

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBERT ANDREW WERMUTH,)
#18991)
)
Plaintiff,)
)
v.) Case No. 2:05-CV-644-C
)
SHANNON CARROL YOUNGBLOOD et)
al.,)
)
Defendant.)

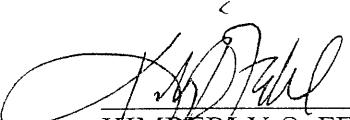
2005 NOV 16

DEFENDANTS' NOTICE OF COMPLIANCE
WITH COURT ORDER

Defendants, by and through undersigned counsel, submit this Notice of Compliance with the Order of this Court dated October 27th, 2005, by providing to Plaintiff the following attached documents:

1. Copy of assault and theft file for the incident of September 30, 2003.
2. Copy of the medical records pertaining to the treatment of Officer Welch from the incident which occurred on September 30, 2003. Defendants previously provided the medical records of Officer Welch pursuant to this Courts Order of September 30, 2005.

Dated this the 16th day of November, 2005.


KIMBERLY O. FEHL (FEH001)
Assistant City Attorney



CITY OF MONTGOMERY
Legal Department
Post Office Box 1111
Montgomery, Alabama 36101-1111
(334) 241-2050
(334) 241-2310 – facsimile

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by placing a copy thereof in the United States Mail, postage prepaid and properly addressed on this the 16th day of November, 2005:

Robert Andrew Wermuth
ECF# 189991
Dorm 6/B-38
Easterling Correctional Facility
200 Wallace Drive
Clio, Alabama 36017-2615



KIMBERLY O. FEHL

**DETECTIVE DIVISION
MONTGOMERY POLICE DEPARTMENT**

CASE NUMBER: 03-025505
RESTITUTION DUE
(OWE VICTIM)

TRIAL DATE:
DISPOSITION:
FINAL VERDICT:

9/13/03
4
5

DEFENDANT: Robert Wernuth 948 Garland Drive Montgomery, AL B 14 9/13/70
COMPLAINANT: POF J.C. Welch #361 320 North Ripley Street Montgomery, AL (334) 241-2932
OFFENSE: Attempted Assault 1st 9/30/03 0350 hrs. 565 North East Blvd. Montg., AL

ARRESTED BY: CPL M.D. Hall #413 9/30/03 0409 hours 320 North Ripley Street Montg., AL
WITNESSES:

(1) POF J.C. Welch #361	MPD (334) 241-2932
(2) POF B.C. Deramus #1222	MPD (334) 241-2932
(3) SGT E.L. Johnson #367	MPD (334) 241-2932
(4) CPL M.D. Hall #413	MPD (334) 241-2831

TESTIMONY: Witness #1 will testify as the victim. Witness #2 will testify as being at the scene. Witness #3 will testify as taking the defendant into custody. Witness #4 will testify as the case agent.

ELEMENTS: On Tuesday, 9/30/03, the defendant did attempt to cause the victim serious physical injury by dragging him with a vehicle.

PROOF OF CASE: Physical and oral testimony.

APPROVE

John C. Hall
CASE AGENT; CPL M.D. Hall #413

DATE: 11/11/03

NOV 23 2003

LE SENT TO D.A.

Case 2:05-cv-00644-CSC

Document 40-7

Filed 12/14/2005



tables

SEARCHED INDEXED SERIALIZED FILED

MONTGOMERY POLICE DEPARTMENT
PROPERTY INVENTORY SHEET

PROPERTY INVENTORY NUMBERS:

- (1) 3356
- (2) 238525
- (3) 238526
- (4) 239029

NOTHING FOLLOWS

NOTHING FOLLOWS

VICTIM'S IDENTIFICATION												COMPLAINANT/TESTIMONY		INCIDENT & OFFENSE		2 CASE NUMBER		3 BPR									
4 ORI # 0 0 3 0 1 0 0						5 DATE AND TIME OF THIS REPORT 0 9 3 0 0 3		6 AGENCY NAME Montgomery Police Department		7 IF SUPPLEMENT ORIGINAL OFFENSE DATE		825505															
6 REPORTED BY <input checked="" type="checkbox"/> VICTIM OR						6 ADDRESS (STREET, CITY, STATE, ZIP)		10 PHONE																			
12 VICTIM (LAST, FIRST, MIDDLE NAME) POF J.C. Welch #361						13 ADDRESS (STREET, CITY, STATE, ZIP) 320 North Ripley Street Montgomery, AL 36104		14 PHONE				(334) 241-2932															
15 VICTIM'S MUL- L. OFFICER'S		16 EMPLOYER/SCHOOL City of Montgomery		16 OCCUPATION Police Officer		17 ADDRESS (STREET, CITY, STATE, ZIP) 320 North Ripley Street Montgomery, AL 36104		18 PHONE				(334) 241-2932															
18 RESIDENT <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		20 INJURY <input checked="" type="checkbox"/> FEL <input type="checkbox"/> MISD.		21 RACE <input checked="" type="checkbox"/> W MALE <input type="checkbox"/> B FEMALE		22 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		23 HGT 6'0 5"		24 WGT 210		25 DOB 1 0 2 6 7 1		26 AGE 31		27 WAS OFFENDER <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		28 VICTIM WAS (EXPLAIN RELATIONSHIP)		29 CODE							
30 TYPE INCIDENT OR OFFENSE Attempted Assault		31 DEGREE (CIRCLE) 1 2 3		32 HOMICIDE CODE		33 STATE CODE/LOCAL ORDINANCE		34 TYPE INCIDENT OR OFFENSE Attempted Assault		35 DEGREE (CIRCLE) 1 2 3		36 HOMICIDE CODE		37 STATE CODE/LOCAL ORDINANCE		38 SECTOR		39 CODE									
38 PLACE OF OCCURRENCE 565 North Eastern Boulevard Montgomery, AL (Kwik Shop)		40 POINT OF ENTRY <input type="checkbox"/> DOOR <input type="checkbox"/> ROOF <input type="checkbox"/> WINDOW <input type="checkbox"/> OTHER		41 METHOD OF ENTRY <input type="checkbox"/> FORCIBLE <input type="checkbox"/> NO FORCE		42 ASSAULT <input type="checkbox"/> SIMPLE <input type="checkbox"/> AGGR.		43 TREATMENT FOR <input type="checkbox"/> Y		44 WEATHER <input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> RAIN <input type="checkbox"/> FOG <input type="checkbox"/> SNOW <input type="checkbox"/> HAIL <input type="checkbox"/> UNK		45 PREMISE <input checked="" type="checkbox"/> HWY-ST-ALLEY <input type="checkbox"/> RAILROAD <input type="checkbox"/> RESIDENCE <input type="checkbox"/> CHURCH <input type="checkbox"/> SCHOOL <input type="checkbox"/> CONVENIENCE <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> SERVICE STA.		46 TIME 0350		47 LIGHTING <input type="checkbox"/> NATURAL <input checked="" type="checkbox"/> MOON		48 CIRCUMSTANCES HOMICIDE & ASSAULT 160		49 CODE		50 CODE					
50 VERIFY FOR RAPE EXAM <input type="checkbox"/> N		51 TREAT. FOR RAPE EXAM <input type="checkbox"/> N		52 LOCATION: RAPE		53 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE 1989 Jeep Cherokee		54 DOLLAR VALUE		55 RECOVERED		56 QUANTITY #1 STOLEN, RECOVERED, LOST, FOUND OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.)		57 CONTINUED IN NARRATIVE		58 CODE		59 CODE									
PROPERTY DESCRIPTION		60 CURRENCY, NOTES		61 JEWELRY		62 CLOTHING/FURS		63 FIREARMS		64 OFFICE EQUIPMENT		65		66		67		68									
Initial Unit 446/Hall		S R D C		S R D C		S R D C		S R D C		S R D C		S R D C		S R D C		S R D C		S R D C									
DOLLAR VALUE		65 CURRENCY, NOTES		66 JEWELRY		67 CLOTHING/FURS		68 FIREARMS		69 OFFICE EQUIPMENT		70 ELECTRONICS		71 HOUSEHOLD		72 CONSUMABLE GOODS		73 LIVESTOCK		74 MISCELLANEOUS							
75 CHECK CATEGORIES		<input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input checked="" type="checkbox"/> SUSPECTS VEH. <input type="checkbox"/> VICTIM'S VEH. <input type="checkbox"/> UNAUTH. USE <input type="checkbox"/> ABANDONED		76 # STOLEN 3A8297C		77 UIC. AL		78 LIS. 2003		79 LYI. Red/White		80 TAG COLOR 1 J 4 F T 5 8 L 1 K L 4 5 4 0 4 1		81 VIN		82 VVR 1989		83 VMA Amer		84 VMO Che		85 VST SU		86 VCO: TOP: Red BOTTOM: Red		87 ADDITIONAL DESCRIPTION	
VEHICLES		88 OWNERSHIP VERIFIED BY:		89 BILL OF SALE TITLE OTHER		90 WARRANT SIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO #		91 AUTO INSURER NAME (COMPANY) ADDRESS (STREET, CITY, STATE, ZIP)		92 PHONE ()																	
MOTOR VEHICLE RECOVERY ONLY REQUIRING USE OF THIS FORM		93 STOLEN IN YOUR JURISDICTION? <input type="checkbox"/> YES <input type="checkbox"/> NO WHERE?		94 RECOVERED IN YOUR JURISDICTION? <input type="checkbox"/> YES <input type="checkbox"/> NO WHERE?		42-1015 REV 5-02																					

TYPE OR PRINT IN BLACK INK

AB1000 REV 8-01

INCIDENT/OFFENSE REPORT CONTINUED		140 DATE AND TIME OF REPORT 0 M 9 3 P 0 0 Y 3	141 AM PM MIL 0505	140 CASE # 025505	142 SFX 1	143 SFX 1	144 CASE #	145 SFX 1	146 ADDITIONAL CASES CLOSED NARRATIVE <input type="checkbox"/> Y <input type="checkbox"/> N
90 NAME (LAST, FIRST, MIDDLE) Wermuth, Robert		140 NICKNAME/ALIAS		101 RACE <input checked="" type="checkbox"/> W <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> I	102 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	103 DOB 0 M 9 1 D 3 7 Y 0	104 AGE 33		
106 ADDRESS (STREET, CITY, STATE, ZIP) 948 Garland Drive Montgomery, AL		106 HGT 6'0 3"		107 WGT 170	108 EYE Bro	109 HAIR Blk	110 COMPLEXION Light		
111 PROBABLE DESTINATION M.C.D.F.				112 ARMED <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	113 WEAPON				
114 CLOTHING Red tee shirt, black jeans				<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS	<input checked="" type="checkbox"/> ARRESTED <input type="checkbox"/> WANTED				
116 NAME (LAST, FIRST, MIDDLE)		117 NICKNAME/ALIAS		118 RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I	119 SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	120 DOB M D Y	121 AGE		
122 ADDRESS (STREET, CITY, STATE, ZIP)		123 HGT		124 WGT	125 EYE	126 HAIR	127 COMPLEXION		
128 PROBABLE DESTINATION				129 ARMED <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK	130 WEAPON				
131 CLOTHING				<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS	<input type="checkbox"/> ARRESTED <input checked="" type="checkbox"/> WANTED				
WITNESS	132 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		134 ADDRESS (STREET, CITY, STATE, ZIP)		135 RES. PHONE		136 BUS. PHONE		
	# 1	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I	M D Y	()		()		
	# 2	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I	M D Y	()		()		
	# 3	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I	M D Y	()		()		
	# 4	SEX <input type="checkbox"/> M <input type="checkbox"/> F	RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I	M D Y	()		()		
WITNESS #1 SSN		WITNESS #2 SSN		WITNESS #3 SSN		WITNESS #4 SSN			
137		On the date and time listed, the defendant attempted to cause serious physical injury to the victim.							
NARRATIVE	I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying this agency if any stolen property or missing person hereby reported is returned.							CONTINUED ON SUPPLEMENT <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
								SFX	
				ASSISTING AGENCY ORI		ASSISTING AGENCY CASE #			
		147 LOCATION 148 STATE USE 149 LOCATION 150 STATE USE 151 LOCATION 152 STATE USE 153 LOCATION 154 STATE USE 155 LOCATION 156 STATE USE 157 LOCATION 158 STATE USE 159 LOCATION 160 STATE USE 161 LOCATION 162 STATE USE 163 LOCATION 164 STATE USE 165 LOCATION 166 STATE USE 167 LOCATION 168 STATE USE 169 LOCATION 170 STATE USE 171 LOCATION 172 STATE USE 173 LOCATION 174 STATE USE 175 LOCATION 176 STATE USE 177 LOCATION 178 STATE USE 179 LOCATION 180 STATE USE 181 LOCATION 182 STATE USE 183 LOCATION 184 STATE USE 185 LOCATION 186 STATE USE 187 LOCATION 188 STATE USE 189 LOCATION 190 STATE USE 191 LOCATION 192 STATE USE 193 LOCATION 194 STATE USE 195 LOCATION 196 STATE USE 197 LOCATION 198 STATE USE 199 LOCATION 200 STATE USE 201 LOCATION 202 STATE USE 203 LOCATION 204 STATE USE 205 LOCATION 206 STATE USE 207 LOCATION 208 STATE USE 209 LOCATION 210 STATE USE 211 LOCATION 212 STATE USE 213 LOCATION 214 STATE USE 215 LOCATION 216 STATE USE 217 LOCATION 218 STATE USE 219 LOCATION 220 STATE USE 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R# 0 3 0 1 0 0	2 AGENCY NAME Montgomery Police Department	3 DATE AND TIME OF REPORT 1 M 1 1 7 0 3 20:30	4 CASE # 0 3 - 0 2 5 5 0 5	5 SFX 1			
6 VICTIM'S NAME (ORIGINAL REPORT) POF J.C. Welch #361		7 ORIGINAL OFFENSE DATE 0 M 9 3 0 0 3	8 TYPE REPORT <input type="checkbox"/> CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP				
9 ORIGINAL INCIDENT / OFFENSE Attempted Assault 1st		10 UCR CODE	11 STATE CODE / LOCAL ORDINANCE				
12 NEW INCIDENT / OFFENSE		13 UCR CODE	14 STATE CODE / LOCAL ORDINANCE				
15 HAS AN ARREST BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		16 DATE OF ARREST 0 M 9 3 0 0 3	17 HAS WARRANT BEEN OBTAINED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO WARRANT # 2003F-1640	18 DATE OF WARRANT 0 M 9 3 0 0 3			
			19 DEFENDANT <input checked="" type="checkbox"/> SUSPECT NAME: Robert Wermuth	20 PRIOR PREMISE _____ YEAR WEAPON _____			
RACE <input type="checkbox"/> W <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> D		SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	AGE 0 M 9 1 1 3 7 0	RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DOB M D Y	AGE

Show this case cleared by the arrest of black male Robert Wermuth, DOB 9/13/70, of 948 Garland Drive. He was arrested and placed in the Montgomery County Detention Facility.

NARRATIVE

SC DOLLAR VALUE RD	24 MOTOR VEHICLE	25 CURRENCY, NOTES	26 JEWELRY	27 CLOTHING / FURS	28 FIREARMS	29 OFFICE EQUIPMENT	
	S R D C	S R D C	S R D C	S R D C	S R D C	S R D C	
SD ELECTRONICS	30 ELECTRONICS	31 HOUSEHOLD	32 CONSUMABLE GOODS	33 LIVESTOCK	34 MISCELLANEOUS	35 STATE USE	
	S R D C	S R D C	S R D C	S R D C	S R D C	S R D C	
MOTOR VEHICLE RECOVERY ONLY REQUIRED FOR 24xx UCR CODE		35 MOTOR VEH. STOLEN IN YOUR JURISDICTION? <input type="checkbox"/> Yes <input type="checkbox"/> No WHERE?		36 RECOVERED IN YOUR JURISDICTION? <input type="checkbox"/> Yes <input type="checkbox"/> No WHERE?		37 LOCAL USE U K	
MULTIPLE CASES CLOSED	37 CASE #	38 SFX	39 CASE #	40 SFX	41 CASE #	42 SFX	43 ADDITIONAL CASES CLOSED NARRATIVE ID #
ADMINISTRATIVE	44 CASE STATUS <input type="checkbox"/> PENDING <input checked="" type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED	45 CASE DISPOSITION: <input type="checkbox"/> CLEARED BY ARREST (JUV) <input checked="" type="checkbox"/> CLEARED BY ARREST (ADULT) <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> ADM. CLEARED	<input type="checkbox"/> EXCEPTIONAL CLEARANCE, <input type="checkbox"/> SUSPECT / OFFENDER DEAD <input type="checkbox"/> OTHER PROSECUTION <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> LACK OF PROSECUTION <input type="checkbox"/> JUVENILE, NO REFERRAL <input type="checkbox"/> DEATH OF VICTIM	46 REPORTING OFFICER Cpl M.D. Hall	47 ASSISTING OFFICER	48 SUPERVISOR APPROVAL	ID #
						49 WATCH CMDR.	ID #

ADDITIONAL INCIDENT/OFFENSE																							
NARRATIVE CONTINUED																							
NO FURTHER																							
<p style="text-align: center;">OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>60 DATE AND TIME OF REPORT 1M 11 P 7 10 3</td> <td>61 CASE # 1 AM</td> <td>62 PM</td> <td>63 TYPE REPORT: □ 1. CONTINUATION <input checked="" type="checkbox"/> 2. FOLLOW-UP</td> </tr> <tr> <td>20 : 30</td> <td>0 1 3</td> <td>-</td> <td>0 1 2 5 0 5</td> </tr> <tr> <td></td> <td></td> <td></td> <td>52 SFX</td> </tr> </table>												60 DATE AND TIME OF REPORT 1M 11 P 7 10 3	61 CASE # 1 AM	62 PM	63 TYPE REPORT: □ 1. CONTINUATION <input checked="" type="checkbox"/> 2. FOLLOW-UP	20 : 30	0 1 3	-	0 1 2 5 0 5				52 SFX
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NARRATIVE

NARRATIVE

NARRATIVE

**MONTGOMERY POLICE DEPARTMENT
SUPPLEMENTARY OFFENSE REPORT**

03-025505

Victim Name as on Original Report: (Last, First, Middle)		Date, Time of Offense:	Date, Time of Supplement:
POF J.C. Welch #361		9/30/03 0350	9/30/03 1950
Has arrest been made: Yes / No	Date of Arrest:	Offense as Reported:	
Yes	9/30/03	Attempted Assault 1 st Degree	
Has warrant/petition Been signed: Yes / No	Date Warrant/ Petition Signed:	Offense after investigation:	
Yes	9/30/03	Attempted Assault 1 st Degree	

COMPLAINT:

On Tuesday, September 30, 2003, at approximately 0350 hours, City of Montgomery Police Officer J.C. Welch #361, while working as a Third Shift Patrol Officer, was injured in the course of his duties as a Patrol Officer.

INITIAL INVESTIGATION:

On 9/30/03 this writer was informed by Sergeant Barnett that POF J.C. Welch #361 received injuries when he attempted to take black male Robert Wermuth, DOB 9/13/70, of 948 Garland Drive, into custody. SGT Barnett further advised that the defendant had been taken into custody by patrol and K-9 officers.

The defendant was transported to the City of Montgomery Police Department by patrol units. This writer met them on the second floor of the Police Department in an interior hallway. The defendant had blood on his head and also on his right arm. K-9 Unit 145, Corporal E.L. Johnson #367 had taken the defendant into custody with his K-9 partner and the defendant had received bog bites to his head and to his right arm. This writer took photographs of the defendant's injuries which will be added to the case file. The defendant was transported to the emergency room to receive treatment for his injuries.

POF Welch responded to the Detective Division and was escorted to my office located within the Detective Division. At approximately 0451 hours, I took a detailed audio taped statement from POF Welch. He had a bandage on his right hand and was unable to provide a written statement.

POF Welch explained that he and his partner, Police Officer M.C. Deramus #1222, were on routine patrol with POF Deramus driving and POF Welch in the passenger's seat. As they drove through the parking lot of the Kwik Shop, located at 565 North Eastern Boulevard, they observed through the front glass of the business that the clerk was speaking to someone on the telephone and was waving at them and pointing to a vehicle in the parking lot that was occupied by one black male subject. POF Deramus drove the patrol vehicle parallel to the vehicle, which was a 1989 red Jeep Cherokee, and POF Welch exited the vehicle. POF Welch approached the vehicle noticed that the steering column on the vehicle was busted and the subject inside, black male Robert Wermuth, was attempting to start the vehicle with a pair of needle nose pliers. POF Welch then attempted to remove Wermuth from the vehicle but was unable to and Wermuth then started the vehicle with POF Welch holding on to him and the vehicle. Wermuth drove the vehicle across the parking lot of the Kwik Shop with POF Welch trying to run along side still holding on to Wermuth and the vehicle. When Wermuth accelerated the vehicle, POF Welch released his hold on Wermuth and the vehicle and fell to the ground causing injuries to his right hand and arm. Wermuth was taken into custody a short time later. It was later determined that Wermuth had stolen two, eighteen packs of Budweiser Beer from the Kwik Shop. Both packs of beer were located in the vehicle with Wermuth when he was taken into custody.

The taped statement ended at approximately 0502 hours and will be transcribed and added to the case file.

After the statement was completed, POF Welch was taken to the emergency room to receive treatment for his injuries.

POF Deramus will provide a statement that will be added to the case file. CPL Johnson will also provide a statement detailing Wermuth being taken into custody by his K-9 partner and himself.

Due to Wermuth attempting to drag POF Welch with his vehicle, which could have resulted in serious physical injuries, a warrant was secured against him for Attempted Assault 1st Degree with a \$20,000.00 bond.

After receiving treatment for his injuries, Wermuth was escorted to the Detective Division and to my office by a patrol unit. At approximately 0627 hours, I read Wermuth his Miranda Rights and he stated that he did not wish to give a statement with out a lawyer. Wermuth was then escorted to the Montgomery City Jail and placed there on a Theft of Property 3rd Degree warrant, which was secured against him by the clerk from the Kwik Shop, black female Varaba Lewis, with a hold placed on him for the Montgomery County Detention Facility.

Show this case continuing.

Unfounded	Exc. Cleared	Investigator
Cleared By Arrest	Inactivated	Cpl M.D. Hall #413

MONTGOMERY POLICE DEPARTMENT
SUPPLEMENTARY OFFENSE REPORT

03-025505

Victim Name as on Original Report: (Last, First, Middle)		Date, Time of Offense:	Date, Time of Supplement:
POF Welch, J.C. #361		9/30/03 0350	11/17/03 2024
Has arrest been made: Yes / No	Date of Arrest:	Offense as Reported:	
Yes	9/30/03	Attempted Assault 1st	
Has warrant/petition been signed: Yes / No	Date Warrant/Petition	Offense after investigation:	
Yes	9/30/03	Attempted Assault 1st	

DISPOSITION:

Show this case cleared by the arrest of black male Robert Wermuth, DOB 9/13/70, of 948 Garland Drive. He was arrested and placed in the Montgomery County Detention Facility on a \$20,000.00 bond.

Unfounded	Exc. Cleared	Investigator
Cleared By Arrest	Inactivated	Cpl M.D. Hall #413

B/M Robert Wermuth 9/13/70

Name (R/S, DOB: mm/dd/yyyy).

10th grade

Education Level.

MPD/PAB 320 North Ripley Street

Place.

9/30/03 0627

Date/Time.

Attempted Assault 1st Degree

Charge/Investigation.

Before asking you any questions, I must explain to you that you can remain silent, that anything you say can be used against you, that you can talk to a lawyer first and that you have the right to the advice and presence of a lawyer even though you cannot afford to hire one. If you cannot afford to hire a lawyer and want to have one present during interrogation, the Court will appoint one before we question you. If you want to answer questions now, you can do so, but you can stop at any time.

Cpl H-D. Hall 413

Officer

I fully understand the foregoing statement and I do willing agree to answer questions. I understand and known what I am doing. No promise or threats have been made to me by anyone and no pressure of any kind has been made against me by anyone.

WITNESSES:

Refused

MONMOUTH POLICE DEPARTMENT
DETECTIVE DIVISION

WITNESS LOCATOR

WITNESS

NAME: Robert Wermuth

RESIDENCE

PHONE: 262-4025

OTHER NBR(S) PAGER _____ CELLULAR _____

RACE: B SEX: M WT 6'03 HT 170 DOB: 9/13/70 AGE: 33 SSN: 424-98-0085

RESIDENCE

ADDRESS: 948 Garland Drive
 (STREET)
 Montgomery
 (COUNTY)

(CITY)
 AL
 (STATE)

EMPLOYER: _____ TELEPHONE: _____

EMPLOYER
 ADDRESS: _____
 (STREET)
 Montgomery
 (COUNTY)

(CITY)
 AL
 (STATE)

POSITION HELD AND IMMEDIATE SUPERVISOR: _____

ALTERNATE CONTACT:

NAME: Marth Humphrey TELEPHONE: SAA

ADDRESS: SAA

RELATIONSHIP TO WITNESS: Friend

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT

AGENCY: MONTGOMERY POLICE DEPT. (WITNESS)

DIVISION: DETECTIVE

OFFICER: Cpl M.D. Hall #413 9/30/03
 (DATE)

MONMOUTH COUNTY POLICE DEPARTMENT
DETECTIVE DIVISION

WITNESS LOCATOR

WITNESS

NAME: POF J.C. Welch # 361

RESIDENCE

PHONE: [REDACTED]

OTHER NBR(S)

PAGER

CELLULAR

RACE: W SEX: M WT 210 HT 6'05 DOB: [REDACTED] AGE: [REDACTED] SSN: [REDACTED]

RESIDENCE

ADDRESS:

(STREET)

(CITY)

(COUNTY)

(STATE)

EMPLOYER: City of Montgomery TELEPHONE: 334-241-2932

EMPLOYER

ADDRESS: 320 North Ripley Street Montgomery
(STREET) (CITY)
Montgomery AL
(COUNTY) (STATE)

POSITION HELD AND IMMEDIATE SUPERVISOR: Police Officer

ALTERNATE CONTACT:

NAME: [REDACTED] TELEPHONE: SAA

ADDRESS: SAA

RELATIONSHIP TO WITNESS: [REDACTED]

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT

AGENCY: MONTGOMERY POLICE DEPT.

(WITNESS)

DIVISION: DETECTIVE

OFFICER: Cpl M.D. Hall #413

9/30/03

(DATE)

VOLUNTARY STATEMENT FORM
MONTGOMERY POLICE DEPARTMENT

DIV: Detective

BUREAU: Robbery/Homicide

DATE: 9/30/03

NAME: Officer J. C. Welch, #361

AGE: [REDACTED] SEX/RACE: M/W

ADDRESS: [REDACTED]

PHONE: [REDACTED]

CONCERNING: Attempted Assault 1st Degree of a Police Officer

LOCATION OF INTERVIEW PAB: YES NO (SPECIFY): Room 212

STATEMENT TAKEN BY: Corporal M. D. Hall, #413

Beginning time 0451 Hours.

Q: State your name for me please?

A: Officer J. C. Welch.

Q: Mr. Welch, are you employed by the City of Montgomery?

A: Yes, I am.

Q: How are you employed by the City of Montgomery?

A: Third Shift Patrol, Police Officer.

Q: Okay, and earlier tonight at approximately 0350 in the morning, were you employed as a Police Officer?

A: Yes.

Q: Were you working as a Police Officer on Third Shift?

A: Yes.

Q: Okay, and were you at the Kwik Shop located at 565 North Eastern Boulevard?

A: Yes, on routine patrol.

Rm/E7280

M. D. Hall #413
Detective Signature

Witness Signature

Signature of Person Giving Statement: I hereby affirm that the facts, values and/or descriptions given by me in this statement are the whole truth to the best of my knowledge and belief.

Q: Okay, were you riding with a partner?
A: Yes.

Q: And what's your partner's name?
A: Officer Melva Deramus.

Q: Okay, what'd I'd like for you to do for me is explain to me exactly what happened when you arrived at the Kwik Shop?
A: Well that night or approximately 350 Hours, we were riding in just routine patrol. Did a, we were riding through the convenience store just to do a routine check to make sure everything was alright. At which time we saw the store clerk on the, on the phone and waving us down. She started pointing at a vehicle that was located in the parking lot of the Kwik Shop and the vehicle was a red Jeep Cherokee, occupied by a Hispanic looking male. At which time I approached the vehicle, the door was still open to the vehicle and as I approached the vehicle I saw the steering column was, you know was popped to the vehicle and...

Q: Okay, let me stop you just a minute. When you say the vehicle, describe the vehicle to me?
A: The vehicle is an older style Jeep Cherokee red in color. Possibly early, late 80's, early 90's model, box style. Its not a newer type model.

Q: Okay, now go ahead and (Inaudible)
A: I approached the vehicle, saw the steering column was popped, I reached inside the vehicle to, to take custody of the subject and asked him to step out of the vehicle. At which time the subject never, you know, made eye contact with me, never spoke to me. He just continued to, to jimmy with the pliers that were located on the steering column, trying to crank the vehicle. As he continued to crank the vehicle I steadily was trying to pull him out of the vehicle. At which time with, without any success he, he was able to crank the vehicle and once he got the vehicle cranked he pushed out, pushed off on me and I had to release, I had to release one hand from his arm. I had my left hand on his arm. I had to release that hand and I still had contact with shoulder and neck area trying to pull him out. He took off, he, he started the vehicle, put it in drive and took off. At which time he hit our vehicle, our patrol car and that would be the passenger side front quarter panel with

Rm/E7280

M.D. Hall #413
Detective Signature

Witness Signature

Signature of Person Giving Statement: I hereby affirm that the facts, values and/or descriptions given by me in this statement are the whole truth to the best of my knowledge and belief.

his left side, driver side quarter panel and with me still halfway in the vehicle, now running along side of the vehicle. I continued to run along side the vehicle, halfway in until I was thrown from the vehicle and at which time I got on the radio and, and advised of what had happened.

Q: Okay, did, you said you were still halfway in the vehicle and you were and he was driving across the parking lot, right. Was he dragging you on the ground?

A: He was not dragging me on the ground. He was, I was steadily running along side of the vehicle trying to prevent me from being drug on the ground. I had one hand, now on the door of the vehicle. It was still open and the other one was located on, still on his shoulder at, or you know halfway inside the vehicle.

Q: Do you re, did you receive any kind of injury?

A: I received several lacerations or scrapes to the palm of my left, right hand and a pretty good scrape to the el, to the right elbow and...

Q: Is that from making contact with the ground?

A: Yes.

Q: Okay, and this was after you let go of the vehicle...

A: Yes.

Q: ...and he, and he kept traveling out of the parking lot, correct?

A: He, and he headed south on, on North East Boulevard.

Q: Okay, you said that the clerk waved ya'll down. Did the clerk advise you of what this subject had done?

A: Once we, once we pulled off my partner went inside the store to find out what had, you know transpired before we got there. The clerk advised the subject had taken two half cases of beer which were, which when I did approach the vehicle I did see the beer inside his vehicle.

Q: Okay, you said earlier that he never made eye contact with you. Did you ever identify yourself to him as a Police Officer?

A: Yes.

Rm/E7280

M.D. 12/10/03
Detective Signature

Witness Signature

Signature of Person Giving Statement: I hereby affirm that the facts, values and/or descriptions given by me in this statement are the whole truth to the best of my knowledge and belief.

Q: Okay.

A: And my vehicle was pulled right next to his vehicle.

Q: Were your me, were your emergency lights activated or any time did the lights on the vehicle were activated?

A: No.

Q: Okay, when ya'll first pulled up in the parking lot and the clerk waved ya'll down, was he already inside that vehicle...

A: He was...

Q: ...or was he standing outside of it?

A: ...he was already inside the vehicle attempting to crank the vehicle with the (Inaudible)

Q: Okay, and then when you approached the vehicle and you noticed that the steering column was popped what did that lead you to believe?

A: It led me to believe that the vehicle was possibly stolen and at which time I was trying to get the, the subject out of the vehicle to do a field interview.

Q: Did he ever at any time say anything to you?

A: No, he did not.

Q: He never spoke to you at any time?

A: No, he never spoke to me at any time. He just continued to try and crank the vehicle.

Q: Okay, and then once he was able to you were holding on to, once he was able to start the vehicle, when he started driving away he, you said he initially he, he backed into your vehicle?

A: No, he, he just pulled forward, turned sharply to the left, striking our vehicle.

Q: Okay, so were you parked behind him or were you parked...

BRIEF PAGING INTERRUPTION

Rm/E7280

M.D. Hall #413
Detective Signature

Witness Signature

Signature of Person Giving Statement: I hereby affirm that the facts, values and/or descriptions given by me in this statement are the whole truth to the best of my knowledge and belief.

Q: Where were you parked in relation to his vehicle in the parking lot?
A: We were parked side by side. We, you know I was parked, my, the passenger side of my vehicle was parked right next to his driver side door.

Q: Okay, so, so, okay.
A: It would be like...

Q: Side by side...
A: Side by side.

Q: ...in the parking lot. Okay, and the reason its parked that way is because you weren't going in, your initial intention of going through the parking lot was just to check on the clerk in the store, correct?
A: Just to check on the clerk on the, in the store and we were just doing a courtesy drive, drive through.

Q: And then when she, once she flagged ya'll down ya'll just stopped where you were to see what was going on, correct?
A: Exactly.

Q: Alright, did your partner receive any kind of injuries?
A: No, she never received any injuries. She was on the driver's side of the vehicle and once she saw the vehicle either, you know she thought the dr. vehicle was dragging me. Once she saw the, you know, me running along side the vehicle she tried to run behind me and then got on the radio.

Q: Okay, you said he struck the patrol vehicle, did he strike anything else in the parking lot that you saw, any other objects or anything?
A: Not to my knowledge.

Q: Was he the only subject inside the vehicle?
A: Yes, he was.

Q: And you advised earlier that you did see two 12 packs of...
A: Budweiser.

Rm/E7280

M.D.Hall#413
Detective Signature

Witness Signature

Signature of Person Giving Statement: I hereby affirm that the facts, values and/or descriptions given by me in this statement are the whole truth to the best of my knowledge and belief.

Q: ...inside the vehicle that he had taken from the store without paying for it...?

A: Yes.

Q: ...correct? And that's what you found out later from the clerk?
A: Later found out that the beer was unpaid for.

Q: Okay, so basically he stole the beer from them?
A: Yes.

Q: And that...
A: That's why the clerk had the phone to her ear when we pulled up.

Q: And that's why she was, and waving ya'll down?
A: Yes, because she was on the phone with the Police Department trying to call in a beer run or a 34 to the business.

Q: Okay, and a theft to the business, okay.
A: Uh-huh.

Q: And then once, after you were able to get yourself back together you were able to get onto the radio and give a description of the vehicle, correct?

A: I...

Q: And his direction of travel?
A: Yes, I was able to give a, you know, somewhat of a detailed description of a box style Jeep Cherokee with a possible Hispanic male, wearing glasses and a red shirt.

Q: Okay, and the, what color was the Jeep?
A: The Jeep was also red.

Q: Red, okay. Okay.

Ending time 0502 Hours.

Rm/E7280

M.D.Hall 4/3
Detective Signature

Witness Signature

Signature of Person Giving Statement: I hereby affirm that the facts, values and/or descriptions given by me in this statement are the whole truth to the best of my knowledge and belief.

Memorandum

To : Sergeant R. Lewis #326
From : Officer M. C. Deramus #1222
Subject : Attempting to apprehend B/M Suspect
Date : September 30, 2003

On September 30, 2003 at approximately 0350 hrs, Unit 322, Welch and Deramus were doing our routine patrol of the district. We pulled up in the Quick Shop at Plantation and Northeast Blvd, we witnessed the cashier, Vabara Lewis waving and motioning us to stop the vehicle that was parked in front of the store which was an older model red Jeep Cherokee with a black male in the drivers seat. I then drove up next to the vehicle, me and my partner got out and my partner went up to the defendant's vehicle. At which time my partner asked the defendant to exit his vehicle and he would not. The defendant persisted on trying to crank up the vehicle. At which time I noticed he wasn't using a key but some needle nose pliers to crank up the vehicle. I then with my partner tried to get the defendant to exit the vehicle. At that time my partner held on to the defendant's shoulder to assist the driver out of the vehicle and I was pulling on his arm. At that time the defendant cranked up the vehicle and persisted to drive off and in the process collided into our patrol vehicle causing damage to the right side quarter panel. At that time my partner was still holding on to the defendant's vehicle. The defendant continued to drive while my partner was holding on the door. I was running on the other side motioning and yelling for the defendant to stop but he would not. Then shortly after my partner fell onto the ground as the defendant picked up speed turning on the Northeast Blvd going toward the interstate. My partner received injuries to the right side of his arm due to his falling.



Officer M. C. Deramus #1222

To: Lt. W.W. Caulfield
From: Cpl. E.L. Johnson #367

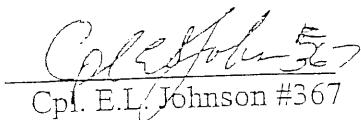
Date: 09-30-03

Subject: Apprehension of Robert Andrew Wermuth

Sir, on 09-30-03 at approximately 0345 hours Unit# 322 (Welch/Deramus) put a look out on the radio of a red Jeep Cherokee wanted in reference to Assault of a Police Officer and Theft of Property 3rd from the Qwik Serve at 565 North East Blvd. The subject was a light skin black male with a red shirt. The vehicle was last seen going west on the Boulevard.

A short time later Unit #331 observed a Cherokee matching the description on Mt. Meigs at California. He followed the vehicle to Day St. where he attempted to stop it. After a lengthy pursuit, I fell in as an assisting unit at Mill St. and Hill St. We followed the pursuit at a safe distance to Day St. and Hill St. where the subject wrecked into Unit #331's vehicle. I then followed the vehicle to 948 Garland St. where the subject bailed from the vehicle. He matched the description of the look out put out by Unit #322. The subject was given a warning to stand still which he did not heed to. I then released my K-9 Partner Jethro. He then engaged the suspect and took him into custody.

The suspect was B/M Robert Andrew Wermuth (09-13-70) of 948 Garland. He was charged with Assault 1st at the time of this writing. He had a two-inch laceration on the right side of his head and several scratches on his right bicep. He was transported Baptist South by Patrol for treatment of dog bites.


Cpl. E.L. Johnson #367

ALABAMA UNIFORM ARREST REPORT

Fingerprints taken and completed

<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1. FORM 0,0,3,0,1,0,0	2. AGENCY NAME Montgomery Police Department	3. CASE # 0 3 -0 2 5 5 0 5	4. SFX													
	5. LAST, FIRST, MIDDLE NAME Wermuth, Robert		6. ALIAS AKA														
	7. SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8. RACE <input checked="" type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B	9. HGT. 6'03	10. WGT. 170	11. EYE Bro	12. HAIR Blk	13. SKIN Light	14. SCARS <input type="checkbox"/>	15. MARKS <input type="checkbox"/>	16. TATTOOS <input type="checkbox"/>	17. AMPUTATIONS <input type="checkbox"/>						
	15. PLACE OF BIRTH (CITY, COUNTY, STATE) Montgomery, AL		16. SSN 4 2 4 -9 8 -0 0 8 5		17. DATE OF BIRTH 0 9 1 3 7 0		18. AGE 33		19. MISCELLANEOUS ID #								
	20. SID #	21. FINGERPRINT CLASS KEY HENRY CLASS		MAJOR	PRIMARY	SCDV	SUB-SECONDARY	FINAL	22. DL #	23. ST							
	24. FBI #	NCIC CLASS								25. IDENTIFICATION COMMENTS							
	26. <input checked="" type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT	27. HOME ADDRESS (STREET, CITY, STATE, ZIP) 948 Garland Drive Montgomery, AL 36108		28. RESIDENCE PHONE (334) 262-4025		29. OCCUPATION (BE SPECIFIC) NONE											
	30. EMPLOYER/NAME OF COMPANY/SCHOOL		31. BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		32. BUSINESS PHONE ()												
	33. LOCATION OF ARREST (STREET, CITY, STATE, ZIP) 948 Garland Drive Montgomery, AL 36108		34. SECTOR # 1 1 3		35. ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO												
	36. CONDITION OF ARRESTEE <input checked="" type="checkbox"/> DRUNK <input type="checkbox"/> SOBER <input checked="" type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS		37. RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> ARRESTEE		38. INJURIES? <input type="checkbox"/> NONE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		39. ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		40. DESCRIPTION OF WEAPON <input type="checkbox"/> HANDGUN <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> RIFLE <input type="checkbox"/> OTHER WEAPON <input type="checkbox"/> SHOTGUN								
41. DATE OF ARREST 0 9 1 3 0 0 1 3	42. TIME OF ARREST 04:09 2 PM	43. DAY OF ARREST S M W T F S U 0 1 2 3 4 5 6 7	44. TYPE OF ARREST ON VIEW CALL WARRANT	45. ARRESTED BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	46. CHARGE-2 <input type="checkbox"/> FEL <input type="checkbox"/> MISD			47. CHARGE-3 <input type="checkbox"/> FEL <input type="checkbox"/> MISD									
48. CHARGE-1 <input checked="" type="checkbox"/> FEL <input type="checkbox"/> MISD Attempted Assault 1st		49. STATE CODE/LOCAL ORDINANCE 2003F-1647		50. DATE ISSUED 0 9 1 3 0 0 1 3	51. STATE CODE/LOCAL ORDINANCE	52. DATE ISSUED	53. STATE CODE/LOCAL ORDINANCE	54. WARRANT #	55. DATE ISSUED								
56. CHARGE-3 <input type="checkbox"/> FEL <input type="checkbox"/> MISD		57. STATE CODE/LOCAL ORDINANCE		58. CHARGE-4 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	59. STATE CODE/LOCAL ORDINANCE		60. CHARGE-5 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	61. WARRANT #	62. DATE ISSUED								
60. STATE CODE/LOCAL ORDINANCE		61. WARRANT #		62. DATE ISSUED M D Y	63. STATE CODE/LOCAL ORDINANCE	64. WARRANT #	65. STATE CODE/LOCAL ORDINANCE	66. WARRANT #	67. DATE ISSUED								
66. ARREST DISPOSITION <input type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED		67. IF DUE ON RELEASE WHAT TYPE?		68. ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		69. ARRESTED WITH (2) ACCOMPLICE (FULL NAME)		70. VTR		71. VMA	72. VMO	73. VST	74. VCO TOP BOTTOM	75. TAG #	76. LIS	77. LIV	
78. VIN				79. IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		80. STORAGE LOCATION / IMPOUND #											
81. OTHER EVIDENCE SEIZED/PROPERTY SEIZED																	
82. CONTINUED IN NARRATIVE																	
83. RELEASED TO																	
84. JUVENILE DISPOSITION <input type="checkbox"/> REF. TO JUVENILE COURT		85. REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO OTHER POLICE AGENCY		86. REF. TO ADULT COURT		87. PHONE											
88. PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)		89. ADDRESS (STREET, CITY, STATE, ZIP)		90. ADDRESS (STREET, CITY, STATE, ZIP)		91. PHONE											
92. PARENT'S EMPLOYER		93. OCCUPATION		94. ADDRESS (STREET, CITY, STATE, ZIP)		95. ID #											
96. DATE AND TIME OF RELEASE 0 9 1 3 0 0 1 3 1 2 3 4 5 6 7 2 PM		97. RELEASING OFFICER NAME CPL M.D. Hall		98. AGENCY/DIVISION MPD/Detective		99. PROPERTY NOT RELEASED/HELD AT:											
100. RELEASED TO M.C.D.F.		101. PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIAL		102. AGENCY ADDRESS 250 S.McDonough Street		103. PROPERTY #											
104. SIGNATURE OF RECEIVING OFFICER CPL M.D. Hall		105. SIGNATURE OF RELEASING OFFICER CPL M.D. Hall # 413		106. SFX		107. CASE #		108. SFX		109. CASE #		110. SFX		111. ADDITIONAL CASES CLOSED NARRATIVE - - - - -			
112. ARRESTING OFFICER (LAST, FIRST, M.) CPL M.D. Hall		113. ARRESTING OFFICER (LAST, FIRST, M.) 413		114. SUPERVISOR		115. WATCH CMOR		116. ID #		117. ID #		118. ID #		119. ID #			

TYPE OR PRINT IN BLACK INK ONLY

INSTRUCTIONS: Complete the following information on OFFENSE OFFENDER

Defendant's Name: B/M Robert Wernuth D.O.B. 9/13/70

Defendant's SSN: 424-98-0085 Height: 6'03 Weight: 170

Defendant's Address: 948 Garland Drive Montgomery, AL 36108

Date & Time of Offense: 9/30/03 0330 hours

Place of Occurrence: 565 North Eastern Boulevard Montgomery, AL (Kwik Shop)

Person or Property Attacked: POF J.C. Welch #361

How Attacked: 1989 Jeep Cherokee

Damage Done or Property Attacked: Lacerations to right hand and arm

Value of Property: _____

Details of Offense:

On the date and time listed, the defendant did attempt to cause serious physical injury to the victim. The defendant was taken into custody in the vehicle a short time after the offense.

THIS IS IN VIOLATION OF CRIMINAL CODE 13A-6-20.

This offense did occur in Montgomery County, Montgomery, Alabama.

I make this affidavit for the purpose of securing a warrant against the said
B/M Robert Wernuth. I understand that I am instituting a criminal proceeding and cannot drop this case. I further understand that if any of the forgoing facts are untrue, I many, in addition to any other punishment provided by law, be taxed with court costs in this proceeding.

Sworn to and subscribed before me
 this 30th day of September 20 03

Cpl H.D. Hall #413

Complainant

V.C. BURRUM

Judge - Clerk - Magistrate

WITNESSES: (Name, Address, Telephone Number)

- | | | |
|---------------------------|-----|--------------|
| 1) POF J.C. Welch #361 | MPD | 334-241-2932 |
| 2) POF M.C. Deramus #1222 | MPD | 334-241-2932 |
| 3) CPL M.D. Hall #413 | MPD | 334-241-2831 |
| 4) | | |

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me the undersigned Judge/Clerk/Magistrate of The District Court of Montgomery County, Alabama, personally appeared

CPL. M. D. HALL

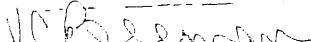
who being by me first duly sworn deposet and says that he has probable cause for believing, and does believe that within twelve months within said County on or about (date) SEPTEMBER 30, 2003, did ROBERT WERMUTH (13A-6-20) with the intent to commit the crime of ASSAULT 1ST attempt to commit said offense by ATTEMPTING TO DRAG VICTIM WITH THE VEHICLE

in violation of 13A-4-2 of the Code of Alabama, against the peace and dignity of the State of Alabama,

Swearn to and Subscribed before me this the 30TH day of

SEPTEMBER 2003

C.O.H.D. Hall 4/13


Judge/Clerk/Magistrate of District Court
of Montgomery County, Alabama

Complainant's Signature

STATE OF ALABAMA
MONTGOMERY COUNTY

WARRANT OF ARREST

THE DISTRICT COURT

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

You are thereof commanded to arrest ROBERT WERMUTH
and bring him/her before the DISTRICT COURT OF MONTGOMERY COUNTY, to answer the State of Alabama on a charge of
ATTEMPTED ASSAULT 1ST.

and have you then and there this writ with your return thereon.

Dated this 30TH day of SEPTEMBER 2003.

The Sheriff will take bond in the sum of \$ 20,000.00


Judge/Clerk/Magistrate of District Court
of Montgomery County, Alabama

WARRANT NO. 2003F-1640

WARRANT OF ARREST
THE DISTRICT COURT OF
MONTGOMERY COUNTY, ALABAMA

THE STATE OF ALABAMA -

v.

STATE WITNESSES

POF. J. C. WELCH #361
320 N. RIPLEY ST.
MONTGOMERY, AL 36104

POF. M. C. DERAMUS #1222
320 N. RIPLEY ST.
MONTGOMERY, AL 36104

CPL. M. D. HALL #413
320 N. RIPLEY ST.
MONTGOMERY, AL 36104

Defendant's Address:

948 GARLAND DR.
MONTGOMERY, AL

Race: BLACK Sex: MALE

DOB: 9-13-70

DL No:

S. S. Number: 424-98-0025

Employment:

Started the within Warrant by Arresting
the above named Defendant and
Taking Appearance Bond
On -
Date -

BO327300016 WERMUTH,ROBERT A
DOB: 09/13/70 Age: 33Y MR #: 544158
Admit Date/Time: 09/30/03 0502A
916 SHAW,RONALD A

Baptist Hea

Emergency Room

Discharge Instructions

DISCHARGE INSTRUCTIONS – MEDICAL CHART

Weight	Phone	Allergies			Location South
--------	-------	-----------	--	--	----------------

MEDICINES PRESCRIBED If not, check this box: **VOID IF NOT PRINTED WITH CRANBERRY BACKGROUND**

Name/Strength	Number	Schedule / Duration	No Refills	Refills
1. KETALAR 500 mg 10 TABS 100 mg/100 mg			<input checked="" type="checkbox"/>	
2. TYLENOL + 500 mg TABS 94 tabs 100 mg			<input checked="" type="checkbox"/>	
3.			<input type="checkbox"/>	
4.			<input type="checkbox"/>	
5.			<input type="checkbox"/>	

INSTRUCTION SHEET(S) GIVEN

- Asthma Crutches Head Injury
 Back Pain Fever Otitis Media
 Cast / Splint Care Fracture Sprains / Bruises
 STD

- Threatened Ab
 Vomiting / Diarrhea
 Wound Care
 Other(s)

Return for signs of infection
> Redness
> Swelling
> Drainage
> Heat

Additional Instructions:

- (1) Follow wound care instructions.
(2) Return & check in 3 days.
(3) Take medicine as directed.
(4) Return if no improvement in 7 days.

Referred to:

Dr. [Signature] on ER

- Return to Emergency Dept. in _____ hours / days for recheck
 If no improvement or your condition worsens, call your private physician or return to the Emergency Department for a recheck.
 Learning needs assessed Instructions Modified:

Call on next business day for follow-up appointment

Education provided on new medication [Signature]

in _____ days weeks next available

I understand that the treatment I have received was rendered on an emergency basis and is not meant to replace complete care from a primary care provider or clinic. Furthermore, I may have been released before all of my medical problems were apparent, diagnosed, and/or treated. If my condition worsens, I have been instructed to call my primary care provider or return to this facility or the nearest emergency center. I understand that I should NOT drive or perform hazardous tasks if my medication or treatment causes drowsiness. I have read and understand the above, received a copy of this form and applicable instruction sheets, and I will arrange for follow-up care. If diagnostic tests indicate a need for modification in therapy, you will be notified at the phone number you provided.

X S. W. Houser Patient
 Relative Other

Time Released > 0555 Hrs.

Instructed By:

unconscious

Physician:

WORK/SCHOOL STATEMENT from the Emergency Department

Patient Name

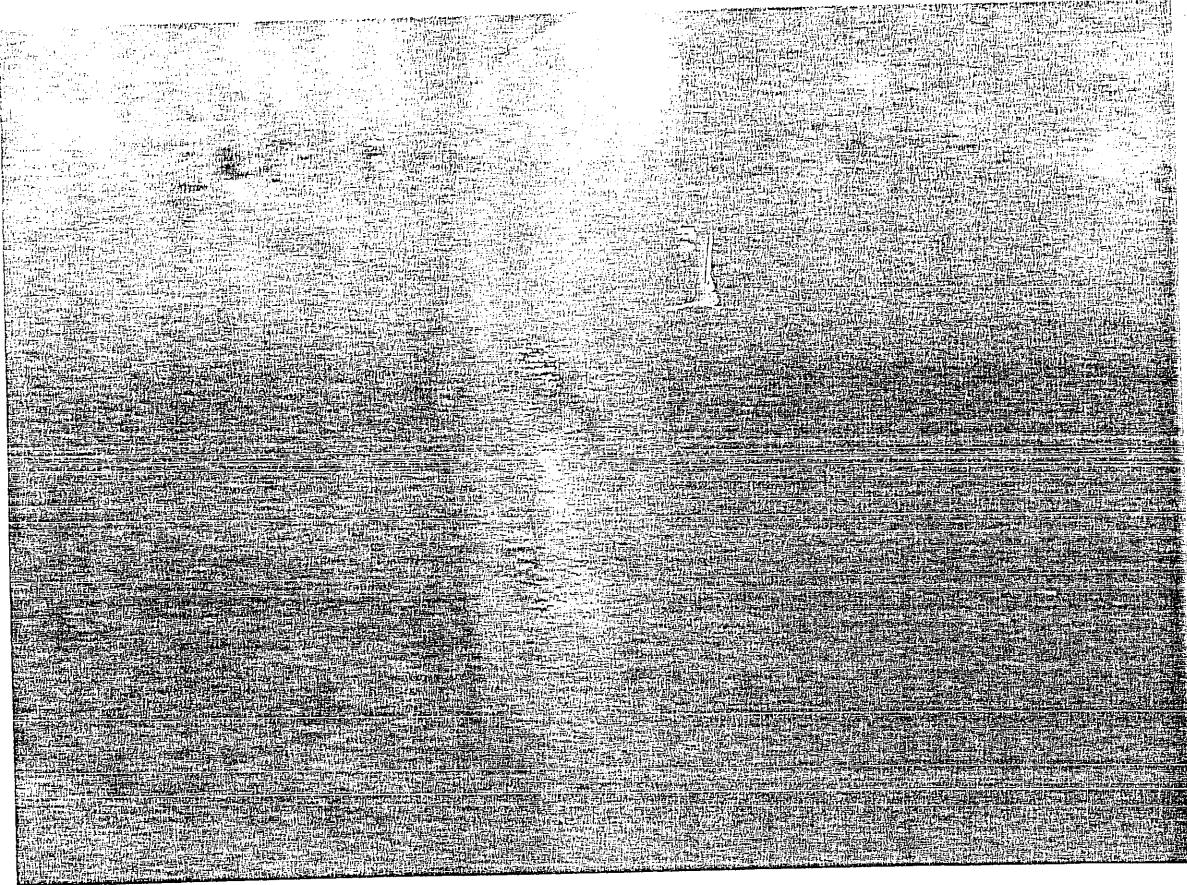
Date

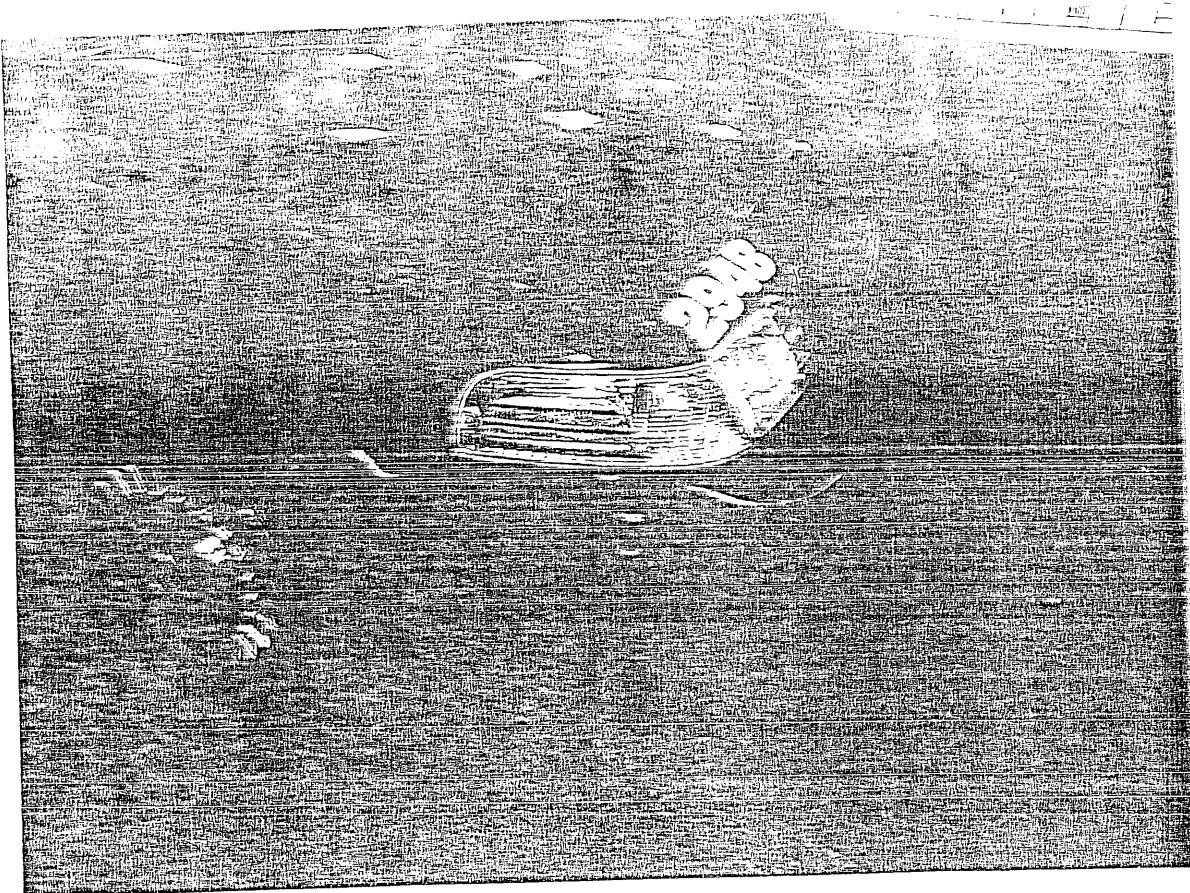
- Patient was seen by Dr. _____
 No athletics / physical education: _____ days*
 May return to work / school without restrictions
 Will require time off work / school. Estimated time: _____ days* _____ was here with relative/ child.
 Must be reevaluated by family / occupational physician before returning to school / work. Other: _____

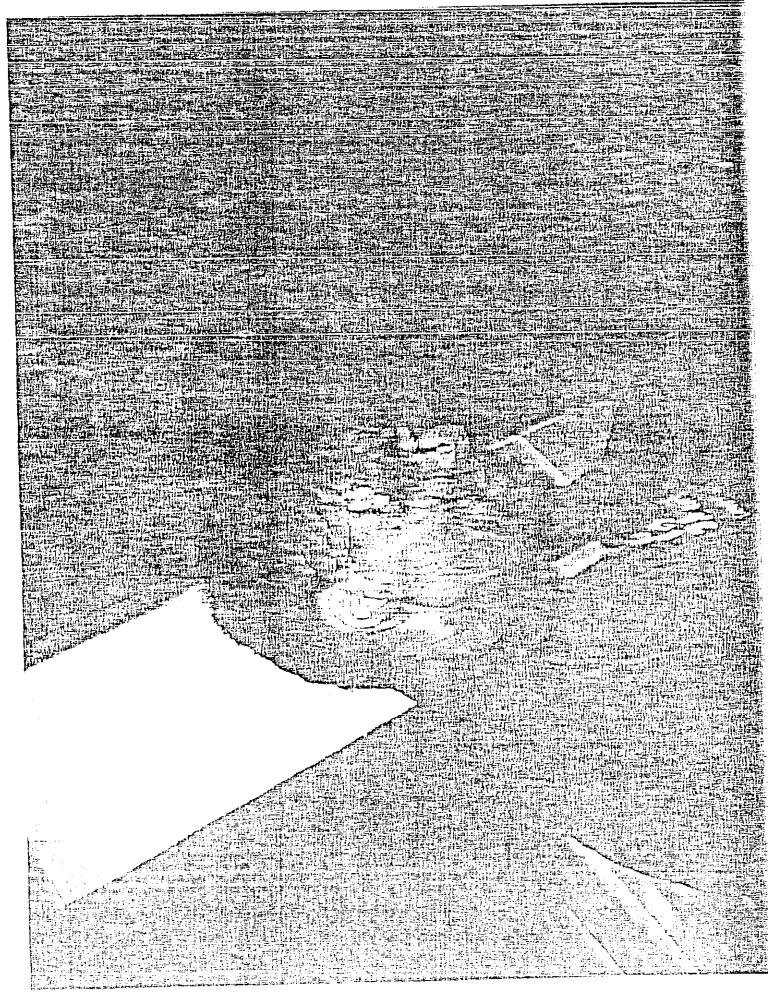
Time off from School or Work longer than 3 days should be approved by a Personal or Company/ Occupational Medicine Physician, unless otherwise stated.

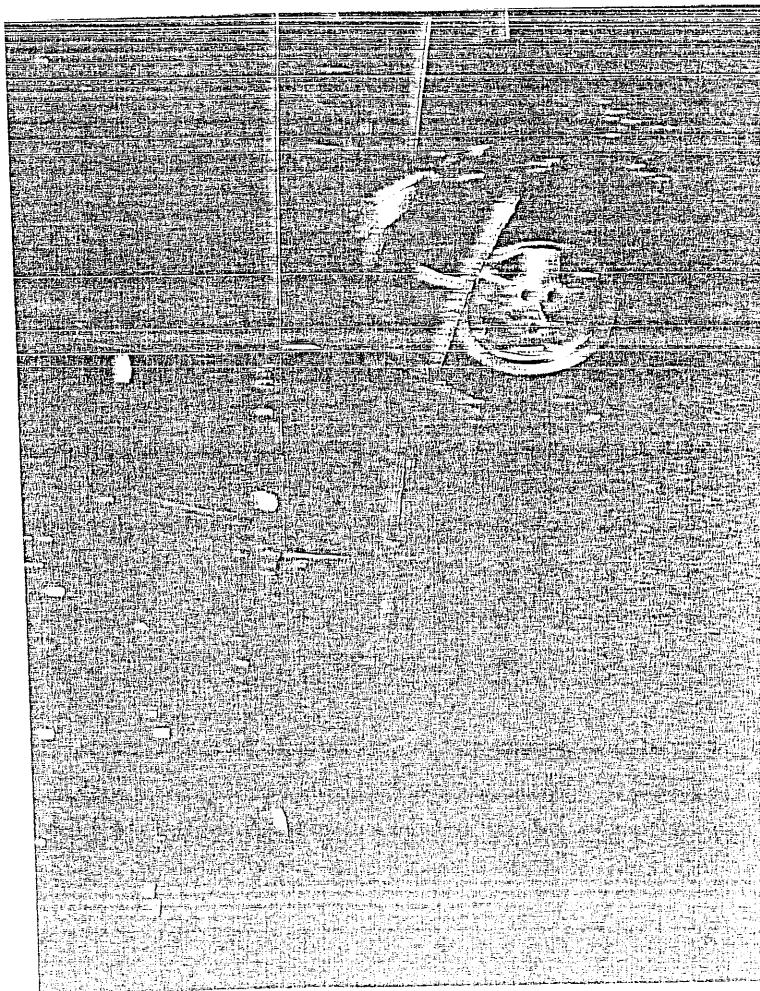
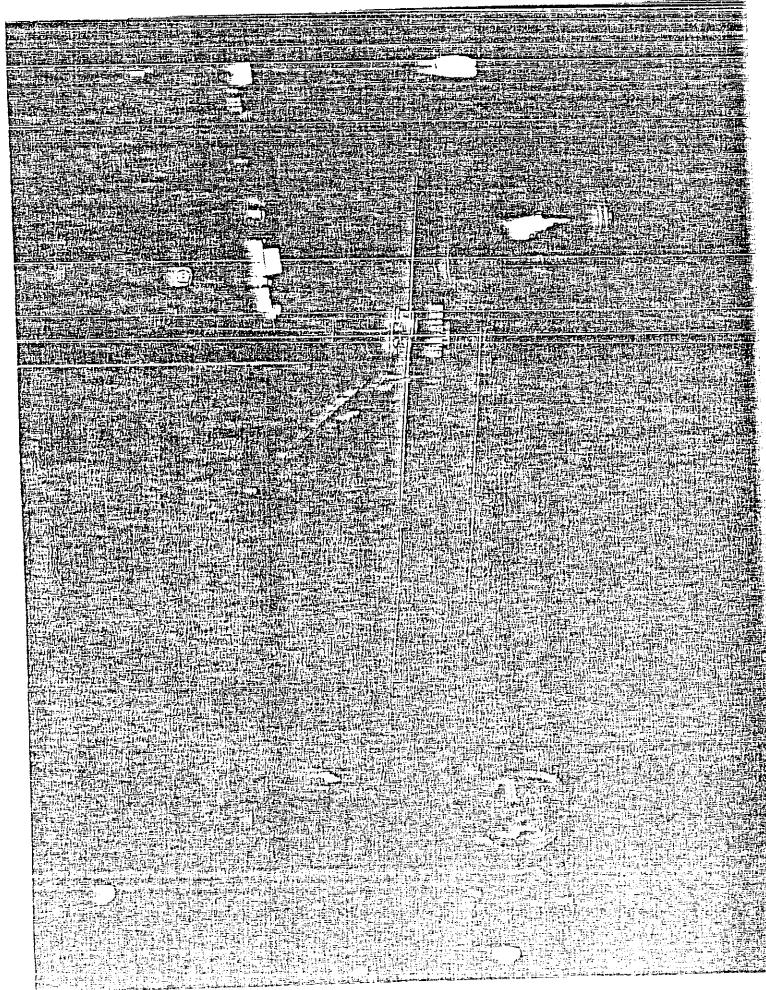
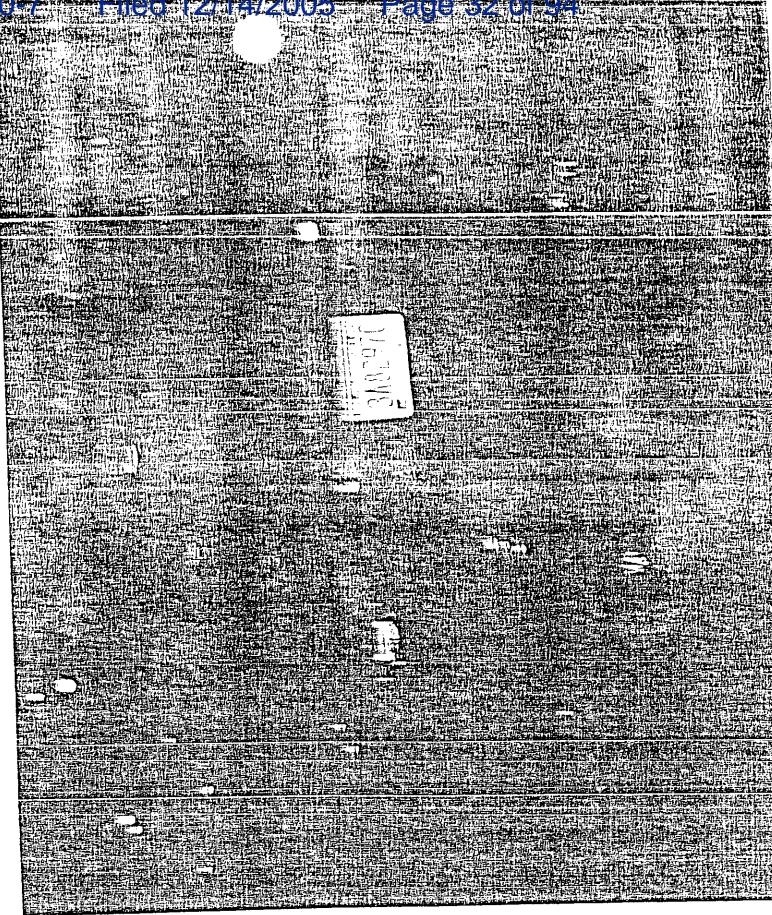
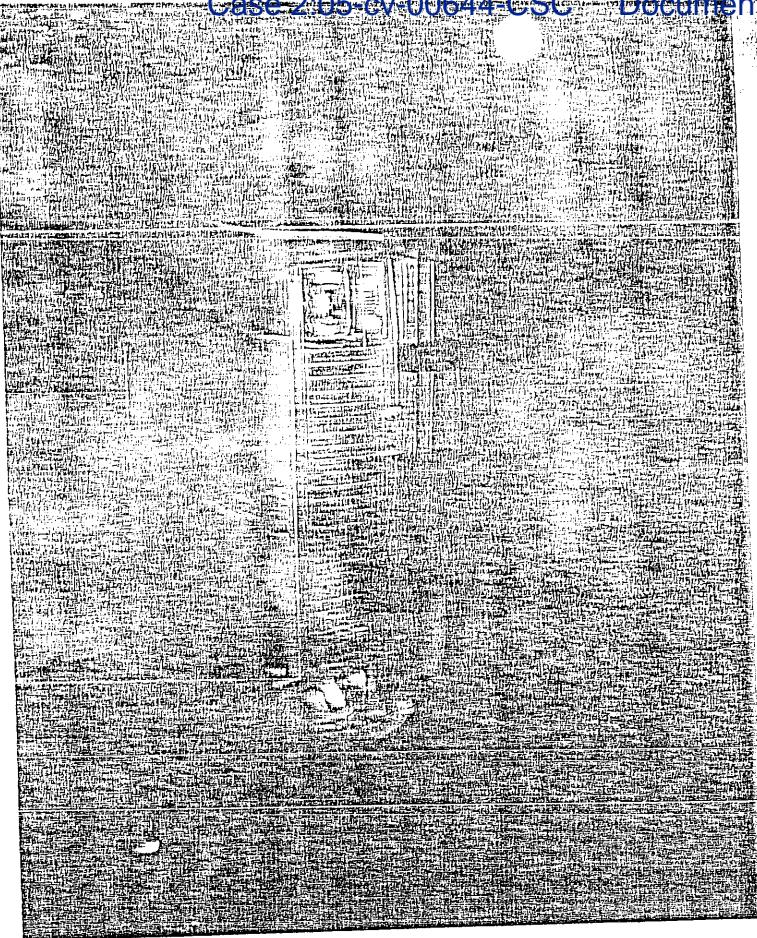
BSE-0082 (06/02)

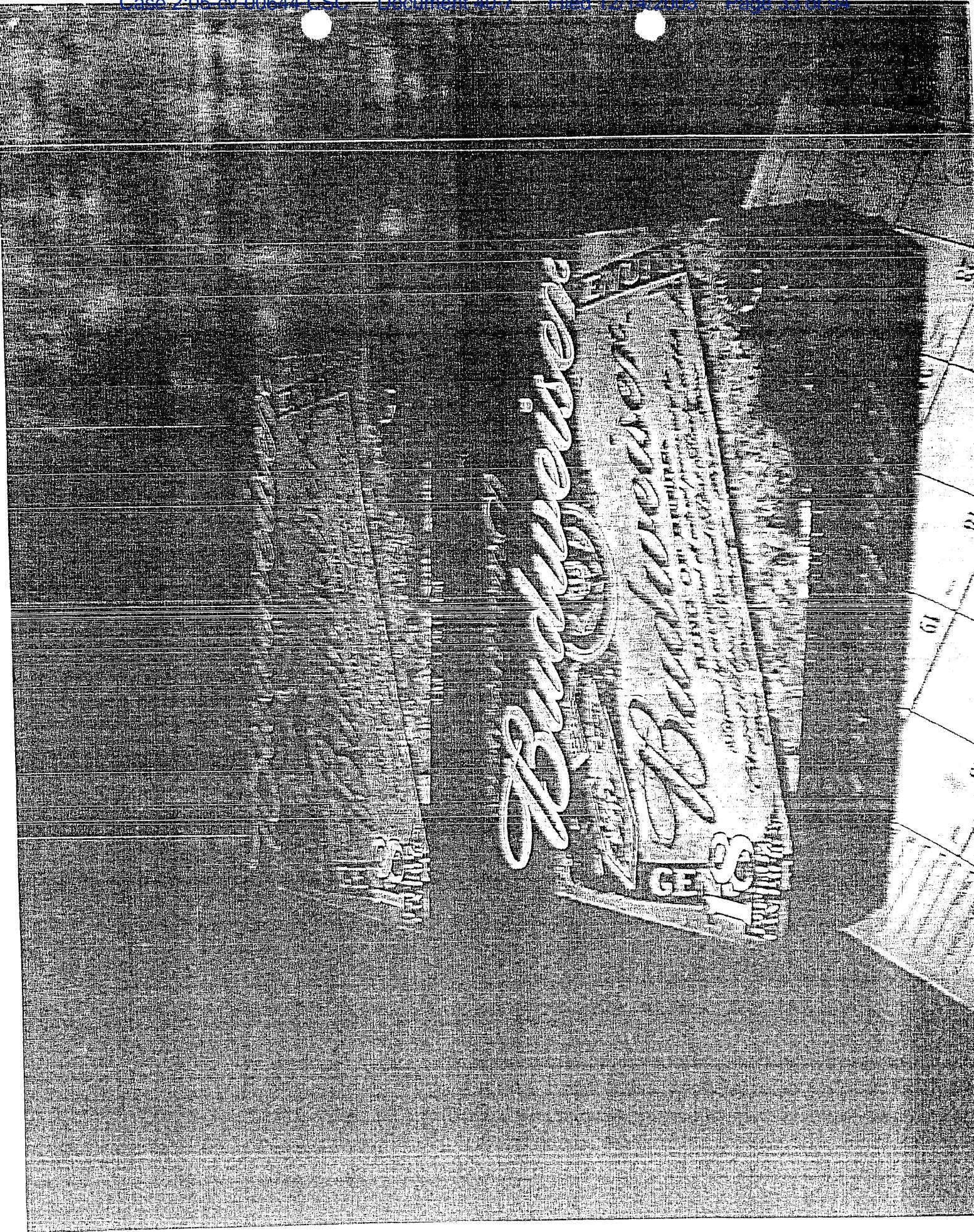












MONTGOMERY POLICE DEPARTMENT

VEHICLE IMPOUND REPORT

DATE 9-30-03 TIME 0500 IMPOUND RPT# 3356
 SAFE STREETS IMPOUND: YES/NO I/O#
 VEH MAKE Amer. VEH MODEL Chevy VEH YEAR 1989
 VEH BODY SU VEH COLOR(S) Red
 VIN# 1J4FT58L1K L454041 TAG# 3AY297C ST AL YEAR
 WHERE FOUND 948 Garland Dr Montg. AL
 REASON IMPOUNDED Subject IN CUSTODY
 OWNERS NAME Martha Humphrey DRIVER'S NAME Robert Wermuth
 ADDRESS 948 Garland Dr ADDRESS 948 Garland
 CITY/ST Montgomery AL CITY/ST Montgomery AL
 PHONE (334) - 212-4025 PHONE - -
 NCIC CHECKED Yes NCIC RESULTS Neg
 IF STOLEN, OWNER NOTIFIED _____ DATE/TIME NOTIFIED _____
 NOTIFIED BY _____ ID# _____ KEYS W/VEHICLE No
 CAN VEHICLE BE RELEASED? Yes IF NO, WHY? _____
 IMPOUNDING OFFICER N.B. F. Tipton Jr. ID# 902
 TOWING FIRM WorlDrip TIME RELEASED TO WRECKER 0515 HRS
 WRECKER DRIVER'S SIGNATURE J. J. Smith

 VEHICLE RELEASED TO: NAME _____
 ADDRESS _____ CITY _____ ST _____ ZIP _____
 SIGNATURE _____ D/L# _____ ST _____
 SAFE STREETS AUTHORIZED DRIVER (IF NOT OWNER) D/L#: _____
 NAME: _____ SIGNATURE: _____
 DATE/TIME RELEASED _____
 OFFICER ISSUING RELEASE _____ ID# _____

MONTGOMERY POLICE DEPARTMENT

SIXTH DISTRICT PATRUL DIVISION

Date	9-30-03	Time	0524	<input checked="" type="checkbox"/> A.M.	<input type="checkbox"/> P.M.
------	---------	------	------	--	-------------------------------

OFFICE USE ONLY

238525

Property No.

Area/Bin No.

Type	Property:	Evidence
		<input checked="" type="checkbox"/>
	Personal	

WEAPONS ONLY

Ex-Felon Check	YES	NO	NCIC CHECK	YES	NO
Ex-Felon	YES	NO	If Stolen attach Print Out		
DOB	/ /		Stolen	YES	NO
			Removed from NCIC	YES	NO

Officers Name

H.D. Hall

413

Detective

241-2849

PX

ID

Division

Where Found

Name

Telephone

Property Owner

Name

Address

Zip Code

Offense

Attempted Robbery at Store

03-17-03-525

Report No.

Defendant's Name

Robert Wermuth

Description of Property:

1 - Video Tape from Kwik Shop - 565 N.E. Blvd.

Release Authorization: Release to

Any Person Detective

BY Cap H.D. Hall #413

DATE

9-30-03

TIME 0524

PERSONAL OR FOUND PROPERTY NOT CLAIMED WITHIN 30 DAYS WILL BE DISPOSED OF (334) 241-2523

Property Received By

Robert W. G. Dumbrell

19-0773												025505							
4 ORI # 0 0 3 0 1 0 0		5 DATE AND TIME OF THIS REPORT 0505 AM 09 3 0 0 Y 3		6 AGENCY NAME Montgomery Police Department		7 IF SUPPLEMENTARY ORIGINAL OFFENSE DATE M 07 13 05		8 CASE NUMBER 3 SFX											
						<input type="checkbox"/> INCIDENT <input checked="" type="checkbox"/> OFFENSE <input type="checkbox"/> SUPPLEMENT													
9 REPORTED BY <input checked="" type="checkbox"/> VICTIM OR		10 ADDRESS (STREET, CITY, STATE, ZIP)		11 PHONE		()													
12 VICTIM (LAST, FIRST, MIDDLE NAME) POF J.C. Welch #361		13 ADDRESS (STREET, CITY, STATE, ZIP) 320 North Ripley Street Montgomery, AL 36104		14 PHONE		(334) 241-2932													
15 EMPLOYER/ SCHOOL City of Montgomery		16 OCCUPATION Police Officer		17 ADDRESS (STREET, CITY, STATE, ZIP) 320 North Ripley Street Montgomery, AL 36104		18 PHONE		(334) 241-2932											
19 RESIDENT <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		20 INJURY <input checked="" type="checkbox"/> W <input type="checkbox"/> B		21 RACE <input checked="" type="checkbox"/> W <input type="checkbox"/> B		22 SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		23 HGT 6'0 5"		24 WGT 210		25 DOB 1 1 0 2 6 7 1		26 AGE 31		27 WAS OFFENDER KNOWN TO VICTIM? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		28 VICTIM WAS (EXPLAIN RELATIONSHIP) Kwik Shop	
30 TYPE INCIDENT OR OFFENSE Attempted Assault		31 DEGREE (CIRCLE) 1 2 3		32 STATE CODE/ LOCAL ORDINANCE A(2)(13)															
33 TYPE INCIDENT OR OFFENSE RAPE EXAM		34 DEGREE (CIRCLE) 1 2 3		35 STATE CODE/ LOCAL ORDINANCE 3-3															
36 PLACE OF OCCURRENCE 565 North Eastern Boulevard Montgomery, AL		37 SECTOR 212																	
40 POINT <input type="checkbox"/> DOOR <input type="checkbox"/> ROOF OF ENTRY <input type="checkbox"/> WINDOW <input type="checkbox"/> OTHER		41 METHOD <input type="checkbox"/> FORCIBLE OF ENTRY <input type="checkbox"/> NO FORCE		42 ASSAULT <input type="checkbox"/> SIMPLE <input type="checkbox"/> AGGR.		43 TREATMENT FOR <input type="checkbox"/> Y ASSAULT INJURY <input type="checkbox"/> N													
44 OCCURRED ON OR BETWEEN 0 M 9 3 0 0 0 Y 3		45 TIME 0350 AM <input checked="" type="checkbox"/> PM <input type="checkbox"/> MIL		46 TIME 0350 AM <input type="checkbox"/> PM <input checked="" type="checkbox"/> MIL		47 LIGHTING NATURAL <input type="checkbox"/> MOON <input checked="" type="checkbox"/>		48 WEATHER CLEAR <input checked="" type="checkbox"/> CLOUDY <input type="checkbox"/> RAIN <input type="checkbox"/> FOG <input type="checkbox"/> SNOW <input type="checkbox"/> HAIL <input type="checkbox"/> UNIC		49 PREMISE HWY.-ST.-ALLEY <input type="checkbox"/> RAILROAD <input type="checkbox"/> RESIDENCE <input type="checkbox"/> CHURCH <input type="checkbox"/> SCHOOL <input checked="" type="checkbox"/> CONVENIENCE <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> SERVICE STA.		50 BANK <input type="checkbox"/> DRUG STORE <input type="checkbox"/> APT./TWN. HSE. <input type="checkbox"/> SHOPPING CENTER <input type="checkbox"/> PARKING LOT <input type="checkbox"/> OTHER COMMERC. <input type="checkbox"/> OTHER							
51 VERIFY FOR <input checked="" type="checkbox"/> Y RAPE EXAM <input type="checkbox"/> N		52 TIME 0350 AM <input type="checkbox"/> PM <input checked="" type="checkbox"/> MIL		53 CIRCUMSTANCES HOMICIDE & ASSAULT SEX CODE LOCATION: RAPE		54 TREAT. FOR <input checked="" type="checkbox"/> Y RAPE EXAM <input type="checkbox"/> N		55 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE 1989 Jeep Cherokee		56 DOLLAR VALUE STOLEN <input type="checkbox"/> DAMAGED <input type="checkbox"/>		57 RECOVERED DATE <input type="checkbox"/> VALUE							
58 WEAPON USED <input type="checkbox"/> FIREARM <input type="checkbox"/> HANDS, FISTS, VOICE, ETC. <input checked="" type="checkbox"/> KNIFE <input type="checkbox"/> OTHER DANGEROUS		59 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE 1989 Jeep Cherokee																	
60 QUANTITY 1 STOLEN, RECOVERED, LOST, FOUND OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.)		61 CURRENCY, NOTES		62 JEWELRY		63 FIREARMS		64 MOTOR VEHICLE		65 CLOTHING/FURS		66 OFFICE EQUIPMENT							
		S R D C	S R D C	S R D C	S R D C	S R D C	S R D C	S R D C	S R D C	S R D C	S R D C	S R D C							
67 ELECTRONICS		68 HOUSEHOLD		69 CONSUMABLE GOODS		70 LIVESTOCK		71 MISCELLANEOUS											
		S R D C	S P D C	S P D C	S P D C	S P D C	S P D C	S P D C	S P D C	S P D C	S P D C	S P D C							
72 CHECK CATEGORIES <input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input checked="" type="checkbox"/> SUSPECT'S VEH. <input type="checkbox"/> VICTIM'S VEH. <input type="checkbox"/> UNAUTH USE <input type="checkbox"/> ABANDONED		73 ADDITIONAL DESCRIPTION VIN: 1J141FT581L1KL454041		74 ADDITIONAL DESCRIPTION		75 ADDITIONAL DESCRIPTION		76 # STOLEN 77 LIC. 3A8297C		78 TAG COLOR Red/White		79 BILL OF SALE TITLE OTHER		80 OWNERSHIP TAG RECEIPT BILL OF SALE TITLE OTHER		81 AUTO INSURER NAME (COMPANY) AMER		82 WARRANT SIGNED YES <input type="checkbox"/> NO <input type="checkbox"/> #	
VEHICLES VEH ONLY		83 AREA STOLEN RES. <input type="checkbox"/> RUR. <input type="checkbox"/>		84 VERIFIED BY: SU		85 VEHICLE TOP: Red BOTTOM: Red													
86 AUTO INSURER NAME (COMPANY) AMER		87 PHONE ()		88 RECOVERED IN YOUR JURISDICTION? YES <input type="checkbox"/> NO WHERE?		89 RECOVERED IN YOUR JURISDICTION? YES <input type="checkbox"/> NO WHERE?													
90 MOTOR VEH. RECOVERY ONLY REQUIRED FOR 24x100 CODE		91 INCHES		92 TYPE OR PRINT IN BLACK INK		93 INCHES		1		2		3		4		5		6	

INCIDENT/OFFENSE REPORT CONTINUED		95 DATE AND TIME OF REPORT 0 M 9 3 0 0 0 Y 3	96 CASE # 0505	97 SFX 025505	OFFICER'S PRODUCT MAY NOT BE PUBLIC INFORMATION		
				<input type="checkbox"/> OFFENDER <input checked="" type="checkbox"/> SUSPECT <input type="checkbox"/> MISSING PERSON	<input type="checkbox"/> CHECK IF MULTIPLE		
99 NAME (LAST, FIRST, MIDDLE) Wermuth, Robert		100 NICKNAME/ALIAS/NAME (LAST)		101 RACE <input type="checkbox"/> W <input type="checkbox"/> A <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> B	102 SEX <input type="checkbox"/> M <input type="checkbox"/> F <input checked="" type="checkbox"/> M	103 DOB 0 M 9 1 D 3 7 Y 0	104 AGE 33
105 ADDRESS (STREET, CITY, STATE, ZIP) 948 Garland Drive Montgomery, AL		106 HGT 6'0 3"		107 WGT 170	108 EYE Bro	109 HAIR Blk	110 COMPLEXION Light
111 PROBABLE DESTINATION M.C.D.F.				112 ARMED <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK	113 WEAPON		
114 CLOTHING Red tee shirt, black jeans				<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS	<input checked="" type="checkbox"/> ARRESTED <input type="checkbox"/> WANTED	115 WEAPON	
116 NAME (LAST, FIRST, MIDDLE)		117 NICKNAME/ALIAS		118 RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> B	119 SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> M	120 DOB M 0 Y	121 AGE
122 ADDRESS (STREET, CITY, STATE, ZIP)		123 HGT		124 WGT	125 EYE	126 HAIR	127 COMPLEXION
128 PROBABLE DESTINATION				129 ARMED <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> UNK	130 WEAPON		
131 CLOTHING				<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS	<input type="checkbox"/> ARRESTED <input type="checkbox"/> WANTED	132 WEAPON	
WITNESS	133 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		134 ADDRESS (STREET, CITY, STATE, ZIP)		135 RES. PHONE		136 BUS. PHONE
	# 1	SEX <input type="checkbox"/> M <input type="checkbox"/> F RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I M D Y			()	()	
	# 2	SEX <input type="checkbox"/> M <input type="checkbox"/> F RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I M D Y			()	()	
	# 3	SEX <input type="checkbox"/> M <input type="checkbox"/> F RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I M D Y			()	()	
	# 4	SEX <input type="checkbox"/> M <input type="checkbox"/> F RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I M D Y			()	()	
WITNESS #1 SSN		WITNESS #2 SSN		WITNESS #3 SSN		WITNESS #4 SSN	
137		On the date and time listed, the defendant attempted to cause serious physical injury to the victim.					
NARRATIVE					CONTINUED ON SUPPLEMENT <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
					ASSISTING AGENCY ORI	ASSISTING AGENCY CASE #	SFX
<p>I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying this agency if any stolen property or missing person hereby reported is returned.</p> <p>SIGNATURE _____</p>							
MULTIPLE CASES CLOSED	140 CASE #	141 SFX	142 CASE #	143 SFX	144 CASE #	145 SFX	146 ADDITIONAL CASES CLOSED <input type="checkbox"/> Y <input type="checkbox"/> N
ADMINISTRATION	147 CASE STATUS <input type="checkbox"/> PENDING <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED	148 CASE DISPOSITION <input type="checkbox"/> CLEARED BY ARREST (JUV.) <input type="checkbox"/> CLEARED BY ARREST (ADULT) <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> ADM. CLEARED	<input type="checkbox"/> EXCEPTIONAL CLEARANCE <input type="checkbox"/> SUSPECT/OFFENDER DEAD <input type="checkbox"/> OTHER PROSECUTION <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> LACK OF PROSECUTION <input type="checkbox"/> JUVENILE, NO REFERRAL <input type="checkbox"/> DEATH OF VICTIM	149 REPORTING OFFICER CPL M.D. Hall	ID # 413		
	ENTERED ACIC/NIC DATE			150 ASSISTING OFFICER	ID #		
				151 SUPERVISOR APPROVAL	ID #	152 WATCH CMDR.	ID #

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

卷之三

DATA PROCESSED

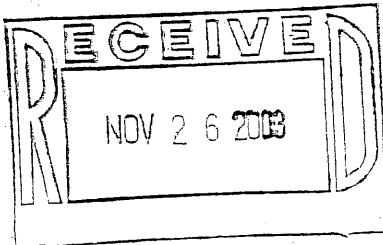
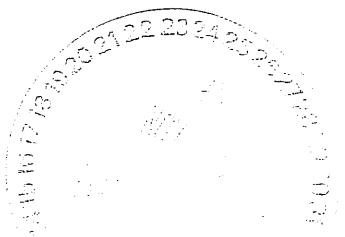
OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 FORM #		2 AGENCY NAME		3 DATE AND TIME OF REPORT 5 M 1 1 7 0 1 3 20:30	4 AM <input type="checkbox"/> PM <input checked="" type="checkbox"/> MIL	6 CASE # 0 3 - 0 2 5 , 5 0 , 5	7 SFX 1
0 0 3 0 1 0 0		Montgomery Police Department					
8 VICTIMS NAME (ORIGINAL REPORT) POF J.C. Welch #361				9 ORIGINAL INCIDENT / OFFENSE Attempted Assault 1st		10 UCR CODE	
						11 STATE CODE / LOCAL ORDINANCE	
12 NEW INCIDENT / OFFENSE				13 UCR CODE		14 STATE CODE / LOCAL ORDINANCE	
15 HAD AN ARREST BEEN MADE?		16 DATE OF ARREST 0 M 9 3 0 1 0 1 3		17 HAS WARRANT BEEN OBTAINED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO WARRANT # 2003F-1640		18 DATE OF WARRANT 0 M 9 3 0 1 0 1 3	
<input checked="" type="checkbox"/> DEFENDANT <input type="checkbox"/> SUSPECT				19 DEFENDANT <input type="checkbox"/> SUSPECT		20 PRIOR PREMISE _____ YEAR WEAPON _____	

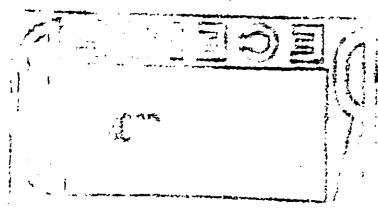
Show this case cleared by the arrest of black male Robert Wermuth, DOB 9/13/70, of 948 Garland Drive. He was arrested and placed in the Montgomery County Detention Facility.

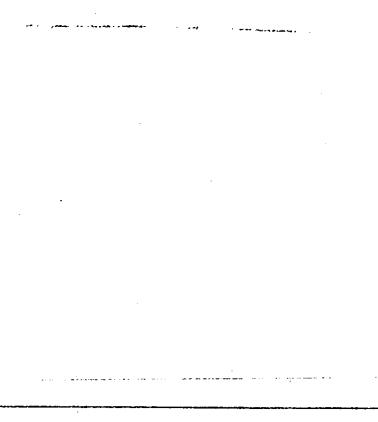
(3-2) # 200300005003

NARRATIVE



22 LOCAL USE
U U K
23 STATE USE

ADDITIONAL INCIDENT/OFFENSE		NARRATIVE	
NARRATIVE		NARRATIVE	
NARRATIVE		NARRATIVE	
<p style="text-align: center;">NO FURTHER CONTINUATION</p> 			

ADDITIONAL INCIDENT/OFFENSE		NARRATIVE CONTINUED	
NARRATIVE		NARRATIVE	
NARRATIVE		NARRATIVE	
<p style="text-align: center;">NO FURTHER CONTINUATION</p> 			

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

60 DATE AND TIME OF REPORT 61 CASE # 62 SFX
 1M11P71013 20:30 AM 0131-1012151015
 PM MIL

63 TYPE REPORT: 1. CONTINUATION 2. FOLLOW-UP

ALABAMA UNIFORM ARREST REPORT

Fingerprints - SFP Completed

- | | |
|------------------------------|------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> Yes |
| <input type="checkbox"/> No | <input type="checkbox"/> No |

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 FORM 0,0,3,0,1,0,0	2 AGENCY NAME Montgomery Police Department	3 CASE # 0 3 - 0 2 5 5 0 5	4 SFX									
	5 LAST, FIRST, MIDDLE NAME Wermuth, Robert	6 ALIAS AREA											
	7 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8 RACE <input type="checkbox"/> W <input checked="" type="checkbox"/> B	9 HGT 6'03	10 WGT 170	11 EYES Bro	12 HAIR Blk	13 SKIN Light	14 SCARS <input type="checkbox"/>	15 MARKS <input type="checkbox"/>	16 TATTOOS <input type="checkbox"/>	17 AMPUTATIONS <input type="checkbox"/>		
	15 PLACE OF BIRTH (CITY, COUNTY, STATE) Montgomery, AL			18 BSN 4 2 4 - 9 8 - 0 0 8 5	19 DATE OF BIRTH 0 9 1 9 3 7 0	20 AGE 33	21 MISCELLANEOUS ID #						
	20 SID #	21 FINGERPRINT CLASS KEY HENRY CLASS	MAJOR	PHRIMARY	SCDV	SUB-SECONDARY	FINAL	22 DL #	23 ST				
	24 FBI #	NCIC CLASS							25 IDENTIFICATION COMMENTS				
	26 <input checked="" type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 948 Garland Drive Montgomery, AL 36108	28 RESIDENCE PHONE (334) 262-4025	29 OCCUPATION (BE SPECIFIC) None									
	30 EMPLOYER (NAME OF COMPANY/SCHOOL)	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)	32 BUSINESS PHONE ()										
	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) 948 Garland Drive Montgomery, AL 36108			34 SECTOR # 1 1 3	35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO								
	36 CONDITION OF ARRESTEE <input type="checkbox"/> DRUNK <input type="checkbox"/> SOBER <input checked="" type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS			37 RESIST ARREST? <input type="checkbox"/> INJURIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> ARRESTEE	38 NONE	39 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	40 DESCRIPTION OF WEAPON <input type="checkbox"/> HANDGUN <input type="checkbox"/> RIFLE <input type="checkbox"/> SHOTGUN <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> OTHER WEAPON						
41 DATE OF ARREST 0 4 9 3 0 1 0 1 3	42 TIME OF ARREST 04 09 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	43 DAY OF ARREST 5 1 2 3 4 5 6 7	44 TYPE OF ARREST ON NEW CALL WARRANT UNKNOWN	45 ARRESTED BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	46 CHARGE-1 Attempted Assault 1st	47 CHARGE-2 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	48 CHARGE-3 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	49 CHARGE-4 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	50 STATE CODE/LOCAL ORDINANCE 2003F-1647	51 WARRANT # 2003F-1647	52 DATE ISSUED 0 4 9 3 0 1 0 1 3	53 STATE CODE/LOCAL ORDINANCE 54 WARRANT #	55 DATE ISSUED M 1 D Y
56 CHARGE-1 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	57 CHARGE-2 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	58 CHARGE-3 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	59 CHARGE-4 <input type="checkbox"/> FEL <input type="checkbox"/> MISD	60 STATE CODE/LOCAL ORDINANCE	61 WARRANT #	62 DATE ISSUED M 1 D Y	63 STATE CODE/LOCAL ORDINANCE	64 WARRANT #	65 DATE ISSUED M 1 D Y				
66 ARREST DISPOSITION <input type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED	67 IF OUT ON RELEASE WHAT TYPE? <input type="checkbox"/>	68 ARRESTED WITH (1) ACCOMPLICE (FULL NAME) <input type="checkbox"/>	69 ARRESTED WITH (2) ACCOMPLICE (FULL NAME) <input type="checkbox"/>	70 VYR 0 4 9 3 0 1 0 1 3	71 VMA	72 VMO	73 VST	74 VCO TOP BOTTOM	75 TAG #	76 LIS	77 LIP		
78 VIN							79 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	80 STORAGE LOCATION / IMPOUND # 250 S.McDonough Street					
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED	<input type="checkbox"/> CONTINUED IN NARRATIVE												
82 JUVENILE DISPOSITION <input type="checkbox"/> REF. TO JUVENILE COURT	<input type="checkbox"/> HANDED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY	83 ADDRESS (STREET, CITY, STATE, ZIP)	84 PHONE ()	85 ADDRESS (STREET, CITY, STATE, ZIP)	86 PHONE ()	87 ADDRESS (STREET, CITY, STATE, ZIP)	88 PHONE ()	89 ADDRESS (STREET, CITY, STATE, ZIP)	90 PHONE ()	91 ADDRESS (STREET, CITY, STATE, ZIP)	92 PHONE ()	93 AGENCY/DIVISION MPD/Detective	94 ID # 413
90 DATE AND TIME OF RELEASE 0 4 9 3 0 1 0 1 3 1 4 5 6 7 8 9 0 1 0 1 3	91 AM <input checked="" type="checkbox"/> PM	92 RELEASING OFFICER NAME CPL M.D. Hall	93 AGENCY/DIVISION	94 ID # 413									
95 RELEASED TO	96 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIAL	97 AGENCY/DIVISION M.C.D.F.	98 PROPERTY NOT RELEASED/HELD AT	99 PROPERTY #									
101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE) Dog bites to head and right arm received during the apprehension of the defendant.													
102 SIGNATURE OF RECEIVING OFFICER CPL M.D. Hall	103 SIGNATURE OF RELEASING OFFICER CPL M.D. Hall # 413	104 CASE #	105 SFX	106 CASE #	107 SFX	108 CASE #	109 SFX	110 ADDITIONAL CASES CLOSED/NARRATIVE X					
111 ARRESTING OFFICER (LAST, FIRST, M.) CPL M.D. Hall	112 ID # 413	113 ARRESTING OFFICER (LAST, FIRST, M.)	114 ID #	115 SUPERVISOR	116 WATCH CMOR	117 ID #	118 ID #						

TYPE OR PRINT IN BLACK INK ONLY

Case 2:05-cv-00644-CSC Document 40-7 Filed 12/1/11 Page 1 of 1

FILED 12/14/2000
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Page 41 of 94

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

CASE ACTION SUMMARY
MONTGOMERY MUNICIPAL COURT

City of Montgomery vs ROBERT ANDREW WERMUTH (SSN:)		10/01/2003	Docket No.
Street Address 948 GARLAND DR		Date of Birth 09/13/1970	2003CRA007029A
City, State, ZIP MONTGOMERY		Sex	Race
Offense 05C THEFT OF PROPERTY 3			B
Date of Arrest 09/29/2003	Officer VARBARA LEWIS		
Bondsman	Bond Amount 0.00		
First Appearance 10/01/2003	Type of Plea NG	Findings 6	Date of Disposition 11/18/03 SO ORDERED <i>Barry M</i>
UPON HEARING THE EVIDENCE IN THIS CASE, THE DEFENDANT IS ADJUDGED GUILTY AND IS ORDERED TO:			
1. SERVE _____ DAYS IN JAIL, SUSPEND _____ DAYS			
2. SERVE _____ DAYS IN JAIL, SUSPEND _____ DAYS AND PAY FINE OF \$_____ DOLLARS, PLUS COURT COST \$_____			
3. PAY FINE OF \$ <u>294</u> DOLLARS, PLUS COURT COST \$ <u>19</u> <u>6</u>			
4. OTHER _____ X _____			
JUDGE, CITY OF MONTGOMERY <i>McCartba</i>			
DEFENSE COUNSEL			

I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT ON
FILE IN THE MONTGOMERY MUNICIPAL COURT.

PATRICK J. MURPHY
CLERK OF
MONTGOMERY MUNICIPAL COURT

DATE: 11-16-05

STATE OF ALABAMA
COUNTY OF MONTGOMERY

GENERAL RELEASE

For and in consideration of the City of Montgomery, Alabama, forbearing criminal prosecution against _____, in Case No.(s) _____, presently pending in the Municipal Court of Montgomery, Alabama, the undersigned and the undersigned's heirs, executors, or administrators, do hereby release, remise, acquit and forever discharge the City of Montgomery and all of its agents, servants, employees, officers, successors, administrators, assigns, parent companies, subsidiary companies, associated companies, insurance carriers, attorneys, and the released parties, from any and all past, present and future claims, demands, actions, causes of action, suits, damages, loss and expenses, including litigation expenses and attorneys' fees, of whatever kind or nature, and whether known or unknown, including, but not limited to, any and all actions or claims for damages to property, bodily, or personal injury, resulting from false arrest, false imprisonment, or malicious prosecution, arising under the laws or Constitution of the State of Alabama or the United States, for or on account of or resulting or to result from the incident which occurred on or about _____, the facts and circumstances giving rise to Case No.(s) _____ and/or Claim No.(s) _____, and from any other claim, of every type and nature whatsoever, that could be made against the released parties for any act occurring up to the date of the execution of this Release.

The released parties do not admit liability of any sort but to the contrary expressly deny the same, and said released parties have made no agreement or promise to do or omit to do any act or thing not herein set forth, and the undersigned further understands that this Release is being executed to terminate all controversy and/or claims for injuries or damages of whatsoever nature, known or unknown, including future developments thereof, in any way growing out of or connected with said incident.

The undersigned acknowledges and agrees that he/she has read, and/or has had read out loud to him/her the foregoing Release and fully understands its contents.

I am signing this Release freely and voluntarily and intend to be bound by it.

Executed, this _____ day of _____, _____.

(Name of the accused)

(Witness)

(Witness)

[Handwritten signature]
I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT ON
FILE IN THE MONTGOMERY MUNICIPAL COURT.

PATRICK J. MURPHY
CLERK OF
MONTGOMERY MUNICIPAL COURT
DATE: 11/16/05

State of Alabama
Unified Judicial System
Form C-64(a)(front) Rev. 11/92

DEPOSITION

Original Number

2003m4837

Case Number

IN THE MUNICIPAL COURT OF MONTGOMERY, ALABAMA
(Circuit, District or Municipal) (Name of Municipality or County)

STATE OF ALABAMA MUNICIPALITY OF MONTGOMERY,
Defendant

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE ACCUSED

Name of Accused (or Alias)	<u>Robert Andrew Wermuth</u>			Telephone Number
Social Security Number	424-98-0085	Driver's License Number	AL -	Date of Birth 9-13-70 Age 33 Race Black Sex Male
Height 7'3"	Weight 190	Hair Black	Eyes Brown	Complexion Light mixed w/ something
Address of Accused	948 Garland Drive		City Montgomery	State AL Zip 36108
Name of Employer				Employer's Telephone Number
Address of Employer	City		State	Zip

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE OFFENSE

Offense:	<u>Theft of Property</u>		
Date and Time of Offense:	<u>3:45 A.m. - 29 Sept. 03</u>		
Place of Occurrence:	<u>Kwik Shop #120 - 565 N. Eastern Blvd, Montg., AL 36117</u>		
Person Attacked or Property Damaged:	<u>Stole 2-18pk Bub beer</u>		
How Attacked:	<u>Walled out with 2-18pk of beer</u>		

Did Accused Possess or Use a Weapon? Yes No Type:

Damage Done or Injuries Received:

Value of Property: 2-18pk - \$28.50

Details of Offense: - Tall - 5'10" mixed male (white, black, hispanic) walked to the beer cooler asked how much was the 18pk beer. After he was told. He brought 3-18pk to the counter for purchase. I proceed to ask him how is he going to pay for this purchase. He said cash. I asked him where was his money he said he had it. And was going to go ahead and take the 2-18pk to the car and come back. I told him no you can not pay for it first then you can leave with it. He then pick-up the 2-18pk and walked out the door to his vehicle. I told him I will be calling the police. At the time I was calling the police, police unit arrived up in the parking lot. And I motion to them in the window to stop the vehicle. Police pulled up and got out of their vehicle to stop the man. The man continue to try and start his vehicle. The police kept asking him to shut the vehicle off. The man got the car started and he threw the car in drive with police officer hanging on to him and the vehicle. He threw the police officer off the vehicle as he exit the parking lot at the store and sped up the service road. The beer value was \$28.50

Police identified him as Robert A. Wermuth

I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT ON
FILE IN THE MONTGOMERY MUNICIPAL COURT.

PATRICK J. MURPHY
CLERK OF
MONTGOMERY MUNICIPAL COURT

DATE: 11/16/05

Any Law Enforcement Agency Contacted? Yes No
If yes, which one? M P D

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ABOUT YOURSELF.

Name of Complainant <i>Barbara Lewis</i>			Telephone Number		
Social Security Number	Driver's License Number	Date of Birth	Age	Race	Sex
Home Address		City		State Zip	
Name of Employer <i>kwik Shop #120</i>			Employer's Telephone Number <i>(334)-273-8355</i>		
Address of Employer <i>565 N. Eastern Blvd</i>	City <i>Montgomery</i>	State <i>AL</i>	Zip <i>36116</i>		

I make this statement for the purpose of securing a **WARRANT/SUMMONS** against the named accused. I understand that I am instituting a criminal proceeding and cannot dismiss this case. I further understand that if any of the foregoing facts are untrue, I may, in addition to any other punishment provided by law, be taxed with court costs in this proceeding.

Sworn to and Subscribed before me this

Van Buren M. Lewis
Complainant

2nd-30th day of

Sed., 2003.

Judge/Clerk/Magistrate

WITNESSES

MAGISTRATE NOTES

Warrant or Summons Issued? Yes No Warrant Number: _____

I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT ON
FILE IN THE MONTGOMERY MUNICIPAL COURT.

PATRICK J. MURPHY
CLERK OF
MONTGOMERY MUNICIPAL COURT.

DATE: 11/16/05

Form CR-6

Rev. 8/98

(Felonies, Misdemeanors, or Violations -
District or Municipal Court)IN THE MUNICIPAL COURT OF MONTGOMERY, ALABAMA

(Circuit, District, or Municipal)

(Name of Municipality or County)

 STATE OF ALABAMA MUNICIPALITY OF MONTGOMERY v.

ROBERT ANDREW WERMUTH (000723910A)

Defendant (NWS Jacket Number)

Before me, the undersigned authority, personally appeared this day the undersigned complainant who, upon first being duly sworn, states on oath that he/she has probable cause for believing, and does believe that ROBERT ANDREW WERMUTH, Defendant, whose name is otherwise unknown to the complainant, did, prior to the commencement of this action, on or about 09/30/2003 (date of occurrence) commit the offense of THEFT OF PROPERTY, THIRD DEGREE

within the

 County of _____ City/Town of MONTGOMERY or in the police jurisdiction thereof, in that he/she did: (State specific facts here. Continue on a separate sheet of paper if needed.) (select as appropriate): did knowingly obtain or exert unauthorized control over the following property, to wit: (2) 18 PACKS OF BUDWEISER BEER

the property of, to wit: QWIK SHOP #120, and having a value not in excess of \$500.00 dollars, with the intent to deprive the owner of the said property;

 did knowingly obtain, by deception, control over the following property, to wit: _____

the property of, to wit: _____, and having a value not in excess of \$500.00 dollars, with the intent to deprive the owner of the said property,

in violation of

 Section _____, Alabama Code 1975. Municipal Ordinance Number _____ which embraces Section _____, Alabama Code 1975, previously adopted, effective and in force at the time the offense was committed. Other Municipal Ordinance Number 125-79, which embraces ACT 2003-335, Alabama Legislature, 2003 Regular Session, previously adopted, effective and in force at the time the offense was committed.

Sworn to and Subscribed before me this

30th day ofSept, 2003Vanessa M. Lewis
Complainant565 N. Eastern Blvd
Address Montgomery, AL
36117(334)-273-8355
Telephone NumberJudge/Magistrate/Warrant Clerk

WITNESSES

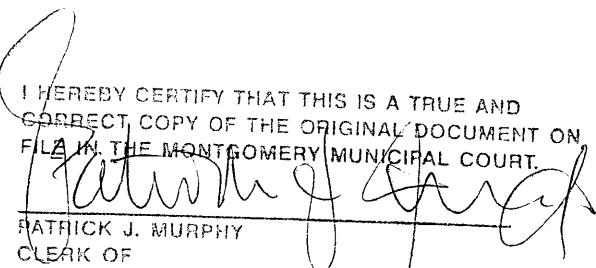
Name

Address

Telephone Number

Additional Witnesses on Reverse Side.

I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT ON
FILE IN THE MONTGOMERY MUNICIPAL COURT.


PATRICK J. MURPHY
CLERK OF
MONTGOMERY MUNICIPAL COURT

DATE: 11-16-05

State of Alabama Unified Judicial System Form CR-58 (front) Rev. 8/98	WARRANT OF ARREST (Felonies, Misdemeanors, or Violations)	Warrant Number 2003M04837 Case Number
IN THE <u>MUNICIPAL</u> COURT OF <u>MONTGOMERY</u> , ALABAMA <small>(Circuit, District, or Municipal)</small>		
<input type="checkbox"/> STATE OF ALABAMA <input checked="" type="checkbox"/> MUNICIPALITY OF MONTGOMERY v. <u>ROBERT ANDREW WERMUTH (000723910A)</u> <small>Defendant (NWS Jacket Number)</small>		
TO ANY LAW ENFORCEMENT OFFICER WITHIN THE STATE OF ALABAMA:		
<p><input checked="" type="checkbox"/> Probable cause has been found on a Complaint filed in the court against (name or description of person to be arrested) <u>ROBERT ANDREW WERMUTH</u></p> <p>charging the offense of <u>THEFT OF PROPERTY, THIRD DEGREE</u> _____ as described in the Complaint.</p>		
<p><input type="checkbox"/> An indictment has been returned by the grand jury of this county against (name or description of person to be arrested) charging the offense of _____ _____ as described in the Complaint.</p>		
<p><input checked="" type="checkbox"/> YOU ARE THEREFORE ORDERED to arrest the person named or described above and bring that person before a judge or magistrate of this court to answer the charges against that person and have with you then and this Warrant of Arrest with your return thereon. If a judge or magistrate of this court is unavailable, or if the arrest is made in another county, you shall then take the accused person before the nearest or most accessible judge or magistrate in the county of the arrest.</p>		
<p><input checked="" type="checkbox"/> You may release the accused person without taking the accused before a judge or magistrate:</p> <p><input checked="" type="checkbox"/> If the accused person enters into a bond in the amount of \$ <u>500.00</u> with sufficient sureties approved by an authorized officer or by depositing cash or negotiable bonds in the amount with the court clerk. --OR--</p> <p><input checked="" type="checkbox"/> If the accused person posts an appearance bond in the amount of \$ <u>500.00</u></p> <p><input type="checkbox"/> On his or her personal recognizance.</p>		
<u>Tuesday, September 30, 2003 05:38 AM</u> Date		 _____ <small>Judge/Court Clerk/Magistrate/Warrant Clerk</small>

I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT ON
FILE IN THE MONTGOMERY MUNICIPAL COURT.

PATRICK J. MURPHY
CLERK OF
MONTGOMERY MUNICIPAL COURT

DATE: 11-16-05

WARRANT OF ARREST
(Felonies, Misdemeanors, or Violations)

CERTIFICATE OF EXECUTION

I, the undersigned law enforcement officer, certify that I executed the foregoing **WARRANT OF ARREST** by arresting the accused person named (or described) therein at 0555 o'clock a.m. p.m.
on the 30 day of 09, 20 03
in MONTGOMERY COUNTY, ALABAMA.

After arrest, the accused person was:

Released as authorized at _____ o'clock a.m. p.m. _____, 20 _____

Taken before Judge Magistrate at _____ o'clock a.m. p.m.

_____, 20 _____

09-30-2003

Cpl. W. D. Fox 288

Signature/Title/Agency

Date

IDENTIFICATION OF ACCUSED PERSON

Name of Accused Person ROBERT ANDREW WERMUTH				Telephone Number 334/262/4025			
Social Security Number 424-98-0085		Drivers License Number & State		Date of Birth 09/13/1970	Age	Race	Sex
Height 603	Weight 170	Hair Black	Eyes Brown	Complexion			
Address of Accused 948 GARLAND DR			City MONTGOMERY		State AL	Zip Code 36108	
Name of Employer				Telephone Number			
Address of Employer				City		State	Zip Code

WITNESSES

Name	Address	Telephone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

ACKNOWLEDGEMENT BY ACCUSED PERSON

I hereby acknowledge that at the time of my release from custody I was directed to appear in person before the court, as follows:

Place: 320 NORTH RIPLEY STREET, MONTGOMERY, ALABAMA 36104-2722 (334) 241-2776

Date: _____, 20 _____

Time: _____ o'clock a.m. p.m., and as thereafter needed until discharged.

I promise to appear as directed before the court, as follows:

Place: 320 NORTH RIPLEY STREET, MONTGOMERY, ALABAMA 36104-2722 (334) 241-2776

Date: _____, 20 _____

Time: _____ o'clock a.m. p.m., and as thereafter needed until discharged.

Date _____

Signature of Accused Person

I HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT ON
FILE IN THE MONTGOMERY MUNICIPAL COURT.

Patrick J. Murphy

PATRICK J. MURPHY
CLERK OF
MONTGOMERY MUNICIPAL COURT

DATE: 11/16/05

MONTGOMERY MUNICIPAL COURT

CASE ACTION SUMMARY SUPPLEMENTS SHEET

CBR716-3

ALABAMA DEPARTMENT OF CORRECTIONS
INMATE SUMMARY AS OF 08/09/2004INST: 017
CRIME: CRSUM

DISCLAIMER: This document contains neither recommendations nor conclusions of the Alabama Department of Corrections. It is the property of the Alabama Department of Corrections and is loaned to your agency; it and its contents are not to be distributed outside your agency.

AIS# 001699913 INMATE: WERMUTH, ROBERT ANDREW RACE: S SEX: M
 INST: 017 - RCC DORM: 00 JAIL CR: 000Y 00M 00D
 BUST: 03/13/1972 SSN: 424-98-0085
 ALIAS: WERMUTH, BOBBY ALIAS: WERMUTH, ROBER
 ALIAS: WERTHUT, ROBERT ALIAS: WURLEY, ROBERT
 ADM DT: 06/11/2004 DEAD TIME: 000Y 00M 00D

ADM TYP: NEW COMMITMENT - SPLIT SENTENCE STAT: NEW COMMITMENT - SPLIT SENTENCE
 CURRENT CUST: MED-5 CURRENT CUST DT: 08/09/2004 PAROLE REVIEW DATE: - NONE -
 SECURITY LEVEL: (4) FOUR

SERVING UNDER ACT440 LAW IN CLASS IV CURRENT CLASS DATE: 06/10/2004
 INMATE IS EARNING + STRAIGHT TIME

COUNTY	SENT DT	CASE NO	CRIME	JL+CR	TERM
MONTGOMERY	06/11/04	NC1001336	THEFT OF PROPERTY II	0292D	003Y 00M 00D 03
			BYRS PROBATION		
			ATTORNEY FEES : \$000000	HABITUAL OFFENDER :	Y
			COURT COSTS : \$00000062	FINES : \$00000000	RESTITUTION : \$00000033
MONTGOMERY	06/10/04	NO4000106	ASSAULT II	0062D	003Y 00M 00D 00
			BYRS PROBATION		
			ATTORNEY FEES : \$000150	HABITUAL OFFENDER :	Y
			COURT COSTS : \$00000335	FINES : \$00000000	RESTITUTION : \$00000050
TOTAL TERM	MIN REL DT		GOOD TIME BAL	GOOD TIME REV	LONG DATE
003Y 00M 00D	04/07/2007		000Y 00M 00D	000Y 00M 00D	04/07/2007

INMATE LITERAL: ENROLL IN SAP+ GIVE 60 DAY NOTICE PRIOR TO SOS

INMATE LITERAL: ENROLL IN SAP+ GIVE 60 DAY NOTICE PRIOR TO SOS

DETAINER WARRANTS SUMMARY

INMATE CURRENTLY HAS NO DETAINER WARRANT RECORDS

INMATE CURRENTLY HAS NO DETAINER WARRANT RECORDS

ESCAPEE-PAROLE SUMMARY

INMATE CURRENTLY HAS NO PAROLE RECORDS

INMATE CURRENTLY HAS NO PROBATION 754 RECORDS

INMATE HAS NO ESCAPES FROM ALABAMA DOCS.

SINCE 08/09/1972 RECORDING BEGAN IN 1972

INMATE HAS NO ESCAPES FROM ALABAMA DOCS.

DISCIPLINARY/CITATION SUMMARY

INMATE CURRENTLY HAS NO DISCIPLINARY/CITATION RECORDS

State of Alabama Unified Judicial System Form C-87 Rev. 11/92	NOTICE TO SHOW CAUSE FOR FAILURE TO PAY FINE, COSTS, RESTITUTION, OR OTHER COSTS	Case Number: 03TRT034641
IN THE <u>MUNICIPAL</u> COURT OF <u>MONTGOMERY</u> ALABAMA (Circuit, District, or Municipal) (Name of Municipality or County)		
<input type="checkbox"/> STATE OF ALABAMA <input checked="" type="checkbox"/> MUNICIPALITY OF <u>MONTGOMERY</u> v. <u>ROBERT WERMUTH</u> DOB: 09/13/1970 (TR) • Defendant		

It being made known to the Court that the above-named defendant, having failed to pay any fines, court costs, restitution or other costs, as previously Ordered by this Court,

It has been ORDERED and ADJUDGED that the above-named defendant shall pay the following sums to the Clerk of this Court by (date) DECEMBER 30, 2004 AT 2:00 PM, or appear in Court on the date and show cause, if any, as to why he/she should not be jailed or incarcerated for contempt of court or punished pursuant to Rule 26.11, ARCP for his/her willful failure to pay fine, costs, restitution, victim compensation assessment, or other costs as ordered.

6-1-05- D is FINES \$ 2,798.00
 currently incarcerated in
 state prison - Early COSTS \$ _____
 release date is '07.
 Removed from RPS RESTITUTION \$ _____
 and placed on d.susp. OTHER \$ _____

Wiley TOTAL \$ 2,798.00



In the event the defendant fails to comply with this Order or give sufficient cause or reason for noncompliance by (date) DECEMBER 30, 2004 AT 2:00 PM, the court clerk may be directed to issue a warrant for arrest and have the defendant incarcerated or jailed according to law.

This the 20TH day of DECEMBER, 20 04

V.C.Bleman
Judge/Clerk

PROFESSIONAL PROBATION SERVICES, INC.

COLLECTION DELINQUENCY REPORT

Name: Robert Wermuth

Date: December 30, 2004

Case No(s): 03TRT034642; 03TRT034641;
03CRA007029A

To: Judge Massey

Offense(s): Driving Without Driving
License; Leaving Scene Of Accident;
Theft Of Property 3RD

From: T. Robinson, P.O.

Sentence Date: 11/18/03

Court: Montgomery Municipal

County: Montgomery

=====

Circumstances of Delinquency:

The defendant violated CONDITION #1, in that he/she failed to make his monthly fine payments in the amount of \$50.00 per month to Professional Probation Services, Inc., resulting in a fine arrearage of \$500.00. The defendant violated CONDITION #3, in that he/she failed to report as directed on February 13, 2004.

=====

Summary of Behavior Under Supervision:

The defendant was sentenced to collections on November 18, 2003. In court on November 18, 2003, the defendant expressed a complete understanding for the conditions of his/her sentence. However, the defendant has failed to make adequate payments resulting in a fine arrearage of \$500.00 toward a fine balance of \$2,798.00.

The defendant has paid a total of \$100.00 toward his/her fines since sentenced in November 2003. The balance remaining on the fines total \$2,798.00. The defendant appears to have absconded from supervision in that he/she did not make his monthly payments as directed nor did he report. A Showcause was mailed to the defendant's last known address on December 22, 2004. The defendant is currently in the custody of Alabama's Department Of Corrections with a release date of April 7, 2007.

Probation Recommendations:

Issuance of Warrant Showcause

The probation department respectfully recommends that due to the above stated violations, that the defendant be revoked from probation.

Tonya Robinson

12/30/04

Probation Supervisor (Signature)

Date

FINDINGS:

- DEFENDANT FTA
- COMMUTED TO DAYS
- PAY AT WINDOW
- ISSUANCE OF RE-ARREST AND COMMIT WARRANT

cc: Court File
Probation Office

CASE HISTORY / FIELD SHEET

I - PERSONAL

PPSI#

NAME (LAST)	Wermuth	(FIRST)	Robert	(MIDDLE)	Andrew
SS#	424 198-0085			D.O.B.	9-13-70
HOME ADDRESS	948 Garland Drive			HOME PHONE:	202-4025
CITY/STATE/ZIP	Montgomery, AL 36103			CELL PHONE:	N/A
EMPLOYER	Unemployed				
WORK ADDRESS				PHONE	
CITY/STATE/ZIP				COUNTY	
SEX	M	RACE	B	HT	6'2
				WGT	175 lbs.
				EYES	Brown
				HAIR	Black
DISABILITIES:	Diabetic, can't work				
<input checked="" type="checkbox"/> PHYSICAL	<input type="checkbox"/> DRUGS	<input type="checkbox"/> SCARS/TATTOOS			
<input type="checkbox"/> MENTAL	<input type="checkbox"/> ALCOHOL	<input type="checkbox"/> P/M			

II - COURT DATA

OFFENSE	FINE	NUMBER	TERM	COUNT	DATES
Driving w/o DL	178	03trt 034642		1	SENTENCE: 11-18-03
Leaving Scene of Accident	203	03trt 03464N		1	START: 12-1-03
Theft of Property 3rd	493	03trt 0070294		1	EXPIRATION:
					NEW EXP:
					TOLLING:
					UNTOLLING:
					NEW EXP:

III - SPECIAL CONDITIONS

FINES	874	I have hold for County
(MONTHLY)	50	
REVOCATION HEARING DATE	DATE COMPLETED	MODIFICATION

DATE RELEASED FROM PROBATION COMMENTS _____

Bnshm

OFFICER

DATE

I.D.#

NAME	Jessie Mae Smith	NAME	Glortha Humphrey
ADDRESS		ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
PHONE	205. 9335	PHONE	221. 4698
RELATIONSHIP	friend	RELATIONSHIP	friend

V - PRIOR ARRESTS/TICKETS

DATE	PLACE	OFFENSE	DISPOSITION	DATE	PLACE	OFFENSE	DISPOSITION

VI - SUPPLEMENTAL

FIRST OFFICE CONTACT DATE:	11/18/03 I was in city jail noc 12/1/03 @ 9:00am	psf arr	fine arr	FB
12/1/03 POC w/IA; A pd 8 no atc; info verified A expressed understanding. (SU) noc: 12-12-03 @ 10:00AM				874.0
12/12/03 OC w/IA; A pd 15 ⁰² no atc; info verified noc: 12/19/03 @ 4:00 ⁰³				
12-19-03 OC. A pd 35 ⁰² no atc; NOC 1-15-04 9:30AM		35	859	
1-15-04 OC w/IA; A pd 50. NO ATC: info verified NOC 2-13-04 @ 9:00		50	774	
2/13/04 FTL				
6/13/04 A-HC w/IA = Spoke w/Female Louise. A is in Montgomery Co Jail. AZ		50	774	

Name Wermuth Robert

Monthly Payment 30⁰⁰

PPS Payment History 12/29/2004

PPSI: 310100110006708 WERMUTH, ROBERT ANDREW

SSN: 424980085 948 GARLAND DRIVE

DOB: 09/13/1970 MONTGOMERY

REC#	DATE	ID	TYPE	AMOUNT	DESC
28324	12/12/2003	2003TRT034642	COLL	15.00	TS
28869	12/18/2003	2003TRT034642	COLL	35.00	PARKER
30988	01/15/2004	2003CRA007029A	COLL	50.00	TS
		TOTAL PAID:		100.00	



City of Montgomery, Alabama

ROBERT WERMUTH
#189991
200 WALLACE DRIVE
CLIO, ALABAMA 36017

May 18, 2005

Dear Mr. Wermuth,

I received your letter concerning your probation revocation. You have a total of eight charges with our court. Six charges were placed on probation November 18, 2003. You were revoked December 20, 2004 and those cases along with two new traffic citations were put in rearrest status. If you want the judge to put a final disposition on the traffic tickets, please complete the enclosed Plea of Guilty/Waiver of Rights forms. Have the forms notarized with a raised seal and return them as soon as possible. The court will also need official documentation that shows your incarceration date, the length of your sentence, and your release date. The judges will not make a ruling without it.

If I can be of any further assistance to you, please do not hesitate to contact me at the Municipal Court.

Sincerely Yours,

Marilyn D. Hopkins
Marilyn D. Hopkins

MEMORANDUM

To: ROBERT ANDREW WERMUTH DOB 09/13/1970

From: **Montgomery Municipal Court**
320 N. Ripley Street
Montgomery, AL 36104
(334) 241-2776

Subject: Letter/Request

Date: MAY 18,2005

The letter/request you sent to the Court has been read and your case(s) have been reviewed. The following action has been taken pursuant to your letter/request:

- The case(s) in your file have been carefully reviewed and it has been determined that all cases were properly attributed against you.
- The case(s) in your file have been carefully reviewed and it has been determined that all cases were not properly attributed against you. Your new release date is _____ or your payout is _____
- Your request for community service has been **denied**.
- Your request for community service has been **granted**. See the enclosed Order for Community Service.
- Your request for the Driver Improvement Program (DIP) has been **granted**. See the enclosed DIP form.
- Your request for the Driver Improvement Program has been **denied**.
- Your request for early release has been **denied**.
- Your request for early release has been **granted** and your release date is _____
- Your jail sentence was correctly calculated and no adjustment is due to your release date.
- An adjustment was made to your jail sentence and your new release date is _____
- Your request to run your jail term from another jail facility concurrently with your Municipal Court sentence has been **denied**.
- Your request to run your jail term from another jail facility concurrently with your Municipal Court sentence has been **granted**.
- You must pay a total fine and costs for your case(s) in the amount of \$ _____ no later _____ or appear before the Court at 320 N. Ripley Street at 8:00 a.m. on that date.
- Records show that you have served _____ days in the City Jail and your payout is \$ _____ as of this date. You are being credited for \$ _____ for each day served in jail.
- You must call the Court at (334) 241-2776 to schedule a court appearance.
- You may plead guilty by signing the enclosed Waiver of Rights/Plea of Guilty Form(s).
- You must return the Waiver of Rights/Plea of Guilty Form(s) no later than _____
- The Court will notify you of the total fine and cost assessed and due upon your conviction.
- The fine, court cost and fees for your case is \$ 2,426.00 Total payment due: OVERDUE
- Copies of your file are enclosed.
- Your request for an earlier court date has been **granted**. Your new court date is _____
- Your request for an earlier court date has been **denied**.
- Your request to change your plea has been **denied**.
- Your request to change your plea has been **granted**. You will be called to appear before the Court.
- Your court date is _____
- The Cannons of Judicial Ethics prohibits communication with the Judge outside the presence or knowledge of the City Prosecutor. Any requests/motions you make must be done in court with the knowledge and presence of the City Prosecutor. You may call the above-listed number and schedule a court date if you wish to appear in court and make your request/motion. You are responsible for taking action by the due date on your ticket.
- The bond amount has been reduced for your, case(s). The amount required for your release is \$ _____
- You have an outstanding charge(s) that has no final disposition. You may plead not guilty and a court date shall be set upon your release from the state/federal correctional facility. Or, you may plead guilty and the court will notify you of the disposition of your case. If you wish to plead guilty, a Public Defender with the Municipal Court will be appointed to represent you.
- The Court has placed a detainer upon you so you may be transferred to the Montgomery City Jail upon your release from the state/federal correctional facility.

cc: Defendant File

* * * SEE REVERSE SIDE FOR OTHER COMMENTS * * *

v.
Robert Wermuth

CASE #
MUNICIPAL COURT OF
MONTGOMERY

Motion to Revoke Probation

Comes now, Defendant, Robert Wermuth, Pro Se, pursuant to Rule 27.5(b)(1)(2), AIA.R.Crim. P., Defendant respectfully moves this Honorable Municipal Court of the City of Montgomery to revoke probation in the above styled cause. Defendant voluntarily admits, under the requirements of Rule 27.6(c), AIA.R.Crim.P., that he committed the violation(s); of failure to report; and failure to pay court cost, fines or restitution.

Due to being incarcerated in Alabama Department of Corr., pursuant to Rule 27.6(a)(b), Defendant wish to knowingly and voluntarily waive his right to a hearing and right to be present and right to be represented by counsel.

Pursuant to Rule 27.6(c)(1-4), AIA.R.Crim.P., Defendant admits that he fully understand the provisions set out in this rule and moves this Honorable court to accept this motion as an admission that Defendant has violated the terms of his probation.

Pursuant to Rule 27.6(e), AIA.R.Crim.P., Defendant moves this Honorable court to find him guilty due to the above stated cause and hereby revoke his probation.

Pursuant to Rule 26.11(i) AIA.R.Crim.P., Defendant moves this Honorable court, that after consideration of the defendant's situation, means, and conduct with regard to the non-payment of the fine and/or restitution, the court shall determine the period of incarceration in default of payment and sentence him accordingly.

ACCORDINGLY, Rule 26.11(i)(ii), AIA.R.Crim.P.

FILED
CLERK OF COURT MONTGOMERY COUNTY
6 E 1 A 9 MAY - 2005

Respectfully submitted on this 25th day of April 2005.

Robert Wermuth
Defendant

I hereby certify that A true and correct copy of the above
and foregoing was served upon the Honorable Clerk of the
City of Montgomery ; by placing the same in the United States
mail, properly and Post MARKED on this 25th day of April 2005.

Robert Wermuth
189991 LA-30
Easterling Corr Facility
200 Wallace dr
Clay, Ala 36017

Honorable Clerk;

I do not have the case number to this cause.
I was sentenced on Nov 18, 2003. Would you please
find it and properly mark this enclosed motion.

Thank You,

Robert Wermuth



**A Proud Past
A Bright Future**

[Home](#) | [Contacts](#) | [Se](#)

DOC INFO

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INDUSTRIES

[Overview](#)[Custom Signs](#)[Online Catalog](#)

PUBLIC INFO

[Statistical Reports](#)[Inmate Search](#)

CORRECTIONAL FACILITIES

[Facility Map](#)[Facility Addresses](#)

EMPLOYMENT OPPORTUNITIES

[Officers](#)[Other Positions](#)

Inmate Search

<p>Data Last Updated on 12/10/2004</p> <hr/> <p>Search Criteria</p> <p>AIS Number <input type="text"/></p> <p>First Name <input type="text" value="robert"/></p> <p>Last Name <input type="text" value="wermuth"/></p> <p>Find Records</p>	<p>General Search Info</p> <ul style="list-style-type: none"> • This database only contains currently incarcerated inmates. History is not available on-line at this time. • The AIS (Alabama Institutional Serial) number field takes precedence over the name fields. The AIS number is the unique six-digit number assigned to each inmate incarcerated by the Alabama Department of Corrections and is the quickest way to find a particular inmate. If you enter data in the search field, the only record shown will be the one where the AIS number exactly matches the data you've entered. The First Name and Last Name fields are ignored anytime data is entered in the AIS Number field. • The First and Last Name search fields can be used separately or in combination to find inmate records. If data is entered in both name fields, records matching both fields will be shown. The data entered in these fields is used for an open-ended search of the inmate records. In other words, if you enter "er" in the last name field, you'll see all inmates with last names beginning with those four letters. • Records are always shown in alphabetical order by the inmate's name. • The maximum number of records that will be displayed at one time is 50. If a search results in more than 50 records being selected, only the first 50 records, in alphabetical order, will be shown.
---	--

AIS	Inmate Name	Race	Sex	Birth Date	Current Location	Release Date
189991	WERMUTH, ROBERT ANDREW	B	M	09/13/1970	Easterling CF	04/07/2007

Results Key:

- | | |
|-------------------------|--|
| Current Location | - The inmate's assigned location as of the date of the last data update noted at the top of this page. Alabama Department of Corrections facilities are designated as CF (Correctional Facility), WR (Work Release) or SIR (Supervised Intensive Release). Locations containing the word County indicate an inmate assigned to a local facility within that county. Locations containing the letters SIR indicate an inmate assigned to the Supervised Intensive Release program in that county. Inmates currently assigned to other states will appear with the name of that state in the current location field. |
| Release Date | - Current projected release date. This date is subject to change if the inmate loses good time due to disciplinary infraction or escape. |
| Code | - Special sentence codes to explain records without release dates. The codes are as follows:
DR = Death Row
LW = Life Without Parole
LB = Life & Barred from Parole
LP = Life with Parole Possible
BP = Barred from Parole |

PPS Collection Activity - 01/01/2004 thru 01/31/2004

Name: SSN: DOB: OFFENSES:
 WERMUTH, ROBERT ANDREW 424980085 09/13/1970 THEFT OF PROPERTY

Rec No	Date	Citation	Amount	Court%	PPS%
30988	01/15/2004	2003CRA007029A	50.00	37.50	12.50
			50.00	37.50	12.50

2/20/2004
 2003CRA007029A \$11,342 16:18
 MONTGOMERY MUNICIPAL COURT 37.50
 R E C E I P T

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Washington, D.C. 20535

2/20/2004 18:15:48
066211342 37.56

FOR DEPOSIT ONLY
GLANDRUM

MONTGOMERY MUNICIPAL COURT
PROBATION SERVICES - DEFENDANT PAYOUT WORKSHEET

DATE OF REPORT: Monday, January 03, 2005

DEFENDANT NAME: WERMUTH, ROBERT ANDREW (09/13/70)

	"CREDIT TAPE"
\$0.00	

CE CREDIT REMAINING

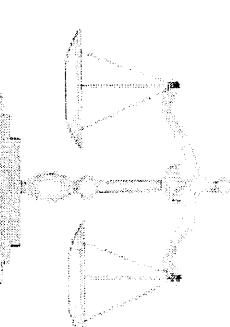
~~\$25.00~~

MMC

\$1,601.25

੮

\$533.75



COLLECTION**THE MUNICIPAL COURT OF MONTGOMERY
MONTGOMERY COUNTY, STATE OF ALABAMA****CITY OF MONTGOMERY**

vs.

Robert Andrew Wermuth

OFFENSE DESCRIPTION	CASE #/UTTC #	TOTAL FINE & COST	O/P CREDIT
driving w/o d.L	03trt034042	178	
Leaving Scene of Acci.	03trt034041	203	
Theft of Property 3	03CRAD07029A	493	

ORDER OF PARTIAL PAYMENTS

WHEREAS, disposition have been made against the above named defendant, the Court finds the defendant is capable of paying court-ordered fines and court costs, and such payments shall be made directly to Professional Probation Services, Inc. (PPS).

THEREFORE, it is ORDERED that the defendant shall pay \$ 874 which represents the total fines and cost due.

Defendant shall obey the following conditions and make partial payments to PPS as follows:

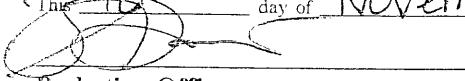
1. Pay \$ 50.00 each month;
2. Not violate the laws of any governmental unit;
3. Report to the PPS Probation Supervisor as directed and behave in a truthful and respectful manner;
4. Work faithfully at suitable employment insofar as may be possible;
5. Not change his/her present place of abode, or leave the State without notifying the probation supervisor;
6. Support his/her legal dependents to the best of his/her ability;
7. Avoid injurious and vicious habits-especially alcoholic intoxication, and dangerous drugs unless prescribed lawfully;
8. Avoid persons and places of harmful or disreputable character;
9. Not to drive without a valid State driver's license;
- [] 10. Abstain from the use of alcohol and drugs, and submit to random alcohol/drug testing;
- [] 11. Complete an alcohol and drug use evaluation and follow all directives for treatment or counseling;
- [] 12. Complete a Risk Reduction course conducted by an agency licensed by the State of Alabama;
- [] 13. Complete _____ hours of community service as directed by the PPS Probation Officer;
- [] 14. Probation to be unsupervised upon payment of the fine and cost;
- [] 15. Pay restitution in the amount of \$ _____ to _____ for Citation # _____;
- [] 16. Serve _____ days in the Montgomery City Jail; to report on _____ and released on _____;
- [] 17. Not to bother, harass, or contact affiant _____;
- [] 18. To stay off the property of _____;
- [] 19. Pay Attorney's fee in the amount of \$ _____ to _____;
- [] 20. 50 12-1-03 (D has hold for county)

UPON THE VIOLATION of any of this ORDER, the Defendant may be arrested and subject to incarceration under Rule 26.11, Alabama Rules of Criminal Procedure. IT IS SO ORDERED, this 18 Day of November, 2003.

Judge, The Municipal Court of Montgomery, Alabama

Knight

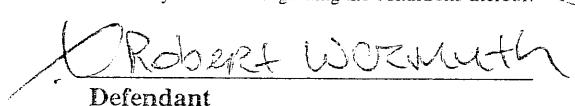
This is to certify that a true and correct COPY of this sentence has been delivered in Person to the Defendant who has been duly instructed regarding the conditions thereof.
This 10 day of November, 2003.



Probation Officer

White - Clerk of Court

Yellow - Probation



Defendant

Pink - Defendant

5-23-05

Dear Mrs. Hopkins , I very much appreciate your
sincerity and professionalism. It would make the
~~world~~ A lot better place if there more people
like you.

03 COPIED
FILED
CLERK OF COURT
MONTGOMERY MUNICIPALITY
A
2005 MAY 26

Thank You!

Robert Werluth
18991 6B-38
Easteeling Corr. Facility
200 Wallace dr.
Clay, AL 36017

SUBPOENA FEE ASSESSMENT SHEET

NAME OF DEFENDANT

Robert Jordan Wernette

CASE NUMBER	NUMBER OF SUBPOENAS	TOTAL FEE
203CMTA7029A	-	1

CASE NUMBER	NUMBER OF SUBPOENAS	TOTAL FEE

CASE NUMBER	NUMBER OF SUBPOENAS	TOTAL FEE

CASE NUMBER	NUMBER OF SUBPOENAS	TOTAL FEE

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI Criminal Justice Information Services Division without final disposition noted thereon. If no final disposition is available to arresting agency, also obtain subject's right four finger impressions on this form, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: **FBI, CJIS Division, Clarksburg, WV 26306.** (See instructions on reverse side)

FBI No.		Final Disposition & Date (If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)	
Name on Fingerprint Card Submitted to FBI Last First Middle			
<i>Wermuth Robert</i>			
Date of Birth <u>9-13-70</u> Sex <u>M</u>			
Henry Fingerprint Classification From FBI 1-B Response			
State Bureau No. (SID)	Social Security No. (SOC)	This Form Submitted By: (Name, Title, Agency, ORI No., City & State)	
	<u>424-98-0085</u>		
Contributor of Fingerprints (Include complete name and location of agency, together with ORI number.) <i>Montgomery City Jail AL0030100 B. Driver 102 Tuscaloosa, Alabama 35401</i>			
Arrest No. (OCA)	Date Arrested or Received	Signature Date	
<u>7029</u>	<u>9-30-03</u>	Title	
Offenses Charged at Arrest <i>T.O.P. III - 050</i>			
Right Four Fingers Taken Simultaneously <i>unable to print</i>			

If additional space is needed, check and continue on reverse side of this form.

INSTRUCTIONS

1. The purpose of this report is to record the initial data of an individual's arrest and thereafter secure the **final disposition** of the arrest at the earliest possible time from either the arresting agency, the prosecutor or the court having jurisdiction. (INTERIM DISPOSITION INFORMATION, e.g., RELEASED ON BOND, SHOULD NOT BE SUBMITTED.) The SUBJECT'S NAME, CONTRIBUTOR AND ARREST NUMBER should be exactly the same as they appear on the fingerprint card IN THE FILES OF THE FBI. The FBI number should be indicated, if known. Agency ultimately making final disposition will complete and mail form to: **FBI Criminal Justice Information Services Division, Clarksburg, WV 26306.**
2. **The arresting agency** should fill in all arrest data on left side of form and obtain the finger impressions of the right four fingers simultaneously. This should be done at the same time as the full set of fingerprints are taken on the arrest fingerprint card. If the arrest is disposed of by the arresting agency, as where the arrestee is released without charge, then the arresting agency should fill in this final disposition and mail form to FBI Criminal Justice Information Services Division. Of course, if final disposition is known when arrest fingerprint card is submitted it should be noted thereon and this form is then unnecessary. In the event the case goes to the prosecutor, this form should be forwarded to the prosecutor with arrestee's case file.
3. **The prosecutor** should complete the form to show final disposition at the prosecution level if the matter is not being referred for court action and thereafter submit form directly to FBI Criminal Justice Information Services Division. If court action required, the prosecutor should forward form with case file to court having jurisdiction.
4. **The court** should complete this form as to final court disposition such as when arrested person is acquitted, case is dismissed, on conviction and when sentence imposed or sentence suspended and person placed on probation.
5. When arrested person convicted or enters guilty to lesser or different offense than that charged when originally arrested, this information should be clearly indicated.
6. If subsequent action taken to seal or expunge record, attach certified or authenticated copy of court order to this form so that FBI can retransmit arrestee's fingerprints to original contributor.
7. It is **vitally important** for completion of subject's record in the FBI Criminal Justice Information Services Division files that **Final Disposition Report** be submitted in every instance where fingerprints previously forwarded without final disposition noted thereon.

FOR ADDITIONAL INFORMATION

Name=WELCH, JAMES C

DOB= [REDACTED]

Loc/Svc=/OPS

FINAL REPORT

REPORT OF OPERATION

DVI #184516

Sex=M

MRUN=18-57-40

[REDACTED] Admit Date=07/06/2004

Discharge Date=07/06/2004

Bytescribe #0707-038

DATE OF OPERATION: July 6, 2004

PREOPERATIVE DIAGNOSIS: Right wrist ulnar neuropathy.

POSTOPERATIVE DIAGNOSIS: Right wrist ulnar neuropathy.

PROCEDURE: Right wrist ulnar nerve release at Guyon canal.

SURGEON: Dr. Walcott

ASSISTANT: Douglas J. Neil, Tech.

ANESTHESIA: Left axillary block.

COMPLICATIONS: None noted.

TOURNIQUET TIME: 19 minutes.

INDICATIONS: Mr. Welch fell on his right upper extremity about 9 months ago, landing on the palm of his hand and his wrist. He had pain, swelling and radial head fracture treated nonoperatively. He has developed progressive numbness of his small and ring fingers. He had a nerve conduction study that showed ulnar neuropathy at the wrist. He understood the risks, benefits, alternatives, diagnosis, treatment options, and after observing it for 9 months requested surgical treatment.

DESCRIPTION OF PROCEDURE: The patient was given IV antibiotics and axillary block in the holding area, placed in supine position with a tourniquet over stockinette on the upper arm. The arm was then prepped and draped under my supervision. Then elevated the arm, esmarched it, inflated the tourniquet to 220 mmHg and made an incision on the volar ulnar side of his wrist, about 3 to 4 cm in length and dissected down to Guyon canal and released the Guyon canal, visualizing the ulnar nerve and artery. There were no masses. The nerve was intact. After it was freed proximally and distally, I held pressure and deflated the tourniquet after 19 minutes and made sure there was no bleeding from any branches of the ulnar artery. Then closed the wound with near-far, far-near 4-0 nylon suture and simple nylon sutures and dressed the wound with Xeroform, 4 x 4's, ABDS, cast padding, and a small volar splint and

MRUN=18-57-40

Name=WELCH, JAMES C

Sex=M

Loc/Svc=/OPS

FINAL REPORT

REPORT OF OPERATION

Admit Date=07/06/2004
Discharge Date=07/06/2004

=====

took him to the recovery room in stable condition with no apparent complications. Excellent capillary refill in all digits.

=====

Dictated By=WALCOTT, GEORGE D. JR. (MD)

D/T=07/06/2004 1254

Text Status=FINAL

Signed By=

WALCOTT, GEORGE D. JR. (MD)

D/T=

D/T=07/07/2004 0650

LABAMA ORTHOPAEDIC SPECIALISTS, P.A.

MEDICAL RECORDS HISTORY

PATIENT: 111245 JAMES C WELCH [REDACTED]

PRINTED 15:37:04 25 JUN 2004

AGE 1

PROCESSED

6232004 Current Visit Dr 10 Recorded: 06252004 by 32 NWLAR EAW
HISTORY OF PRESENT ILLNESS: Followup for his radial head fracture which is doing pretty well, but now, he has some progressive numbness in his small finger and ring finger. It has been going on since his injury, and he just thinks it is definitely getting worse instead of better. It has now been probably approaching 9 months since his injury. He has use of the arm, but he notices that his fingers feel like they want to curl up and he has a lot of weakness in the hand.

PHYSICAL EXAM: Today, he is nontender at his radial head. He is mildly tender at his ulnar nerve and has a positive Tinel's there. It does not subluxate. He is mildly tender at his medial epicondyle. No gross instability on valgus stress. Full pronation and full supination. Full range of motion of the elbow. Distally, he has 5- to 4+ finger abduction and finger cross strength on the right compared to the left.

X-RAYS: AP and lateral of the right elbow show what looks like still a visible radial head fracture with about 1 mm or less of displacement and acceptable alignment. It looks to be healing well. He has mild arthrosis in the elbow and no other abnormality.

IMPRESSION: Right radial head fracture 9 months out now with progressive ulnar nerve symptoms.

PLAN: I told him I would get a nerve conduction study/EMG. If he has significant ulnar nerve compression possibly as a result of a traction injury or his soft tissue edema after his elbow fracture then he might need to have ulnar nerve decompression or transposition. We will see him back as soon as we get the test done. He can continue normal activities for right now.

GDW/lg 06-24-04

CC: Worker's Comp Carrier

Dr. Michael Turner - Thank You

James Welch

James Welch, Gender: M, [REDACTED] Encounter Date and Time: 6/21/2004 07:46AM, Examiner: Michael C. Turner,
Do

PROCESSED

Chief complaint

The Chief Complaint is: Elbow pain/jep.

History of present illness

- Elbow joint pain and elbow joint pain.
- A burning sensation and a burning sensation.

Past medical/surgical history

Reported History:

Reported medications: Antibiotic from his dermatologist A recent immunization for tetanus - 1/01/2001.
Medical: No reported medical history.

Physical trauma: Physical trauma - 9/30/2003 Pt states that he was injured w/ trying to to a car and fell on his rt elbow breaking the head of his radius. Pt was treated by Dr. Walcott w/ a sleeve and braces for about 1 month. Pt was released back to full duty but is in today c/o of pain in the same elbow. Pt states that now when he supinates his rt hand he has a shooting pain that shoots up his arm. Pt states that with in the past 2 months he has started having numbness in his 3rd-5th digits on his rt hand. Pt states that it is a constant numbness in his fingers. Pt states that he was trying tuff it out but the pain has gotten to back. Pt states that there is nothing he can due to help relieve his pain or sx. Pt has been taking Tylenol for his pain.

Surgical / procedural: Surgical / procedural history [REDACTED]

Personal history

[REDACTED]

Physical findings

Vital signs:

- Weight was 231 lbs.
- Patient has pain with supination of the arm. He states he has numbness to the 4th and 5th digits of the hand now and he is losing his strength.

Allergies

No allergies.

Plan

Patient is sent back to Dr. Walcott for further evaluation of this elbow which was fractured and is now experiencing parasthesias.

NEUROLOGY CONSULTANTS OF MONTGOMERY, P.C.
 P. Caudill Miller, M.D. • Ben C. Wouters, M.D., Ph.D. • ~~John Epperson, M.D.~~
 Electodiagnostic Laboratory
 1722 Pine Street, Suite 700 • Montgomery, Alabama 36106
 Phone (334)834-1300 • Fax (334)834-8347

PROCESSED

NAME: WELCH, JAMES [REDACTED]

REQUESTING PHYSICIAN: WALCOTT

AGE: 32

SEX: MALE

DATE OF EMG: 6/24/04

PHYSICIAN: EPPERSON

HOSPITAL MEDICAL RECORD NO:

CLINICAL:

NAME OF TEST: Nerve conduction velocity Needle EMG study Others (specify)

REPORT OF ELECTRODIAGNOSTIC STUDY

Summary of Findings*:

CLINICAL NOTE:

Patient is a 32-year-old white male who complains with numbness of his right hand and has history of fracture of his right radius in the past.

NCV:

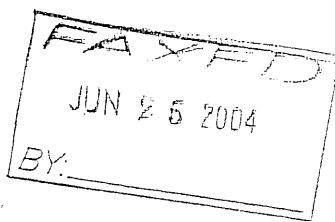
1. Slow finger to wrist segment of the right ulnar sensory nerve.
2. Prolonged terminal latency of the right ulnar motor nerve.
3. Normal NCV's of all motor segments tested of the right upper extremity.

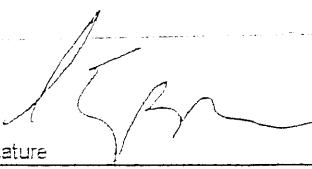
EMG:

1. Normal needle EMG's of all muscles tested in the right upper extremity.

There is electrophysiological evidence of a mild distal ulnar neuropathy at the right wrist. There is no evidence of an entrapment neuropathy otherwise in the right upper extremity. There is no electrophysiological evidence of a cervical radiculopathy in the right upper extremity.

LWE/rie




 Signature

ABBREVIATIONS: NCV: Nerve conduction velocity
 MUP: Motor unit potentials

*See attached page for detailed analysis

PSM-003 (7/97)

LABAMA ORTHOPAEDIC SURGEONS, P.A.
 MEDICAL RECORDS HISTORY
 PATIENT: 111245 JAMES C WELCH [REDACTED]
 PRINTED 14:40:41 02 JUL 2004
 AGE 1

6302004 Current Visit Dr 10 Recorded: 07012004 by 40 MWS.AR EAW
 HISTORY OF PRESENT ILLNESS: He is here for followup for his numbness in the small and ring fingers. He says it has not really changed. He had the nerve test and the results from his EMG/nerve conduction study on 6-24-04 show mild distal ulnar neuropathy at the right wrist. No evidence of entrapment neuropathy otherwise at the elbow and no cervical radiculopathy.

PHYSICAL EXAM: He is mildly tender at the Guyon's canal and mildly tender at the elbow.

IMPRESSION: Right ulnar neuropathy at the wrist for just over 6 months after trauma to his right upper extremity with a fall on his right upper extremity that resulted in a radial head fracture.

PLAN: Right now, he feels like he has waited a long time to see if it would get better. He has been taking B vitamins and nothing seems to help it. It is a thing that he is aware of it all the time. I have told him his options are living it for awhile and see if it gets worse or contemplating surgery which would be an ulnar nerve release at Guyon's canal. It would be an outpatient surgery. The main risks would be infection and nerve injury. He would have to have sutures in for about 2 weeks and would have to be on light duty with a splint or dressing on his hand for the first 2 weeks and then possibly light duty for a week or two after that until the wound is fully healed. We will try to set that up next week probably on Tuesday afternoon. I think that this is related to his injury where he fell on his right upper extremity with enough force to break his radial head. It could have been local trauma to the palm of his hand at the time. Since that fall was a severe enough injury with being dragged by a car and falling hard enough to break his elbow, I think it is likely that it was a localized contusion that caused swelling at the wrist.

GDW/lg 07-01-04

CC: Worker's Comp Carrier

J. Welch
WELCH, JAMES C.

111245

07-20-04

DR. WALCOTT

C
HISTORY OF PRESENT ILLNESS: Right hand Guyon's canal release. He says it still has no numbness in his fingers and it feels much better.

PHYSICAL EXAM: He has full range of motion and normal function and neurovascular exam. Minimal swelling. I removed the stitches today. The wound looks good. No sign of infection.

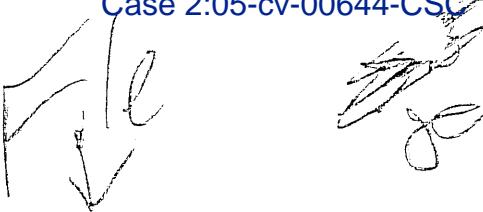
IMPRESSION: Doing well.

PLAN: He wants to go back to regular duty. I have said it is okay to go back on Friday for regular duty. He is still going to avoid putting direct pressure on the hand if he can. Right now, he has normal range of motion and normal strength. I will see him back for any problems. He should report any kind of significant problems he is having with it over the next couple of months and let me know. Based on today's exam, he has normal strength and normal range of motion. I anticipate he will have no permanent partial impairment and is approaching MMI.

GDW/Ig 07-20-04

CC: Worker's Comp Carrier

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WELCH, JAMES S.

111245

06-23-04

DR. WALCOTT

C
HISTORY OF PRESENT ILLNESS: Followup for his radial head fracture which is doing pretty well, but now, he has some progressive numbness in his small finger and ring finger. It has been going on since his injury, and he just thinks it is definitely getting worse instead of better. It has now been probably approaching 9 months since his injury. He has use of the arm, but he notices that his fingers feel like they want to curl up and he has a lot of weakness in the hand.

PHYSICAL EXAM: Today, he is nontender at his radial head. He is mildly tender at his ulnar nerve and has a positive Tinel's there. It does not subluxate. He is mildly tender at his medial epicondyle. No gross instability on valgus stress. Full pronation and full supination. Full range of motion of the elbow. Distally, he has 5- to 4+ finger abduction and finger cross strength on the right compared to the left.

X-RAYS: AP and lateral of the right elbow show what looks like still a visible radial head fracture with about 1 mm or less of displacement and acceptable alignment. It looks to be healing well. He has mild arthrosis in the elbow and no other abnormality.

IMPRESSION: Right radial head fracture 9 months out now with progressive ulnar nerve symptoms.

PLAN: I told him I would get a nerve conduction study/EMG. If he has significant ulnar nerve compression possibly as a result of a traction injury or his soft tissue edema after his elbow fracture then he might need to have ulnar nerve decompression or transposition. We will see him back as soon as we get the test done. He can continue normal activities for right now.

GDW/lg 06-24-04

CC: Worker's Comp Carrier

Dr. Michael Turner - Thank You

7/14/04
J. C. Welch
DR. DR. W. L. COTT

WELCH, JAMES C.

111245

07-13-04

DR. WALCOTT

C

HISTORY OF PRESENT ILLNESS: Followup for Guyon's canal release at the right wrist.

PHYSICAL EXAM: He looks good. The wound looks good. No sign of infection. He is neurovascularly intact with his ulnar nerve. He has good finger cross.

IMPRESSION: Doing well.

PLAN: We are going to leave the stitches in today and put a soft dressing on it and tell him to still stay at light-duty status that he is currently on with no heavy lifting with the right hand. I will see him back in a week. If the wound looks good then, I will take his stitches out.

GDW/lg 07-14-04

CC: Worker's Comp Carrier

WELCH, JAMES C.

111245

10-28-03

DR. WALCOTT

C
HISTORY OF PRESENT ILLNESS: He is 4 weeks out radial head fracture nondisplaced. He says he feels well enough to go back to normal duty now. He says it is not really painful. He can do push-ups now.

PHYSICAL EXAM: Today, he has motion from 5-135. He can supinate 80 and pronate 80. Neurovascularly intact distally. Nontender at his radial head.

X-RAYS: AP and lateral show this nondisplaced radial head fracture that looks to be healing.

IMPRESSION: Nondisplaced healing radial head fracture.

PLAN: He wants to go back to work. He is asymptomatic apparently and I cannot elicit any tenderness, and he has normal range of motion and can do push-ups. I told him it is okay to go back to regular duty, although if he has pain that he thinks would limit him from doing his normal activities, I would be worried about him doing his particular job. He thinks he is okay. We will let him go back to regular duty and see him back for a final followup in 1 month with repeat AP and lateral x-rays of the right elbow to make sure he has normal motion and strength and that he does not have any significant impairment rating.

GDW/lg 10-29-03

CC: Worker's Comp Carrier

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RECEIVED

OCT 31 2003

CITY OF MONTGOMERY
WORKERS COMP.

ALABAMA ORTHOPAEDIC SPECIALISTS, P.A.

MEDICAL RECORDS HISTORY

PATIENT: 111245 JAMES C WELCH [REDACTED]

PRINTED 09:41:55 30 OCT 2003

PAGE 1

10282003 Current visit Dr 10 Recorded: 10292003 by 28 MWS.AR EAW

HISTORY OF PRESENT ILLNESS: He is 4 weeks out radial head fracture nondisplaced. He says he feels well enough to go back to normal duty now. He says it is not really painful. He can do push-ups now.

PHYSICAL EXAM: Today, he has motion from 5-135. He can supinate 80 and pronate 80. Neurovascularly intact distally. Nontender at his radial head.

X-RAYS: AP and lateral show this nondisplaced radial head fracture that looks to be healing.

IMPRESSION: Nondisplaced healing radial head fracture.

PLAN: He wants to go back to work. He is asymptomatic apparently and I cannot elicit any tenderness, and he has normal range of motion and can do push-ups. I told him it is okay to go back to regular duty, although if he has pain that he thinks would limit him from doing his normal activities, I would be worried about him doing his particular job. He thinks he is okay. We will let him go back to regular duty and see him back for a final followup in 1 month with repeat AP and lateral x-rays of the right elbow to make sure he has normal motion and strength and that he does not have any significant impairment rating.

GDW/lg 10-29-03

CC: Worker's Comp Carrier

LABAMA ORTHOPAEDIC SPECIALISTS, P.A.

MEDICAL RECORDS HISTORY

PATIENT: 111245 JAMES C WELCH [REDACTED]

PRINTED 16:25:58 16 OCT 2003

PAGE 1

10142003 Current Visit Dr 10 Recorded: 10152003 by 15 MWS.AR EAW
HISTORY OF PRESENT ILLNESS: Followup for a radial head fracture
2 weeks out now in this police officer.

PHYSICAL EXAM: He looks a lot better. He has less tenderness at the lateral elbow and less tenderness at the medial elbow. He has some pain that goes down to his wrist. He is neurovascularly intact distally at the wrist. No instability noted at the wrist. For his motion today, he can extend it to 5 degrees and flex it to 135 and pronate 80 and supinate 80.

X-RAYS: Five views of the elbow show a nondisplaced radial head fracture that is more clearly delineated today. There also might be a small avulsion off the medial side of his elbow, but it is nondisplaced.

IMPRESSION: Right elbow radial head fracture.

PLAN: I told him I would free this brace up so it will bend and straighten completely and let him go to full range of motion. I would not do any lifting with it yet. I would reexamine him in 2 weeks and can re-x-ray him then, AP and lateral of his right elbow. If everything looks good then, we will talk about increasing his work status. For right now, he would still need to be a light duty type of job.

GDW/lg 10-15-03

CC: Worker_s Comp Carrier

ALABAMA ORTHOPAEDIC SPECIALISTS, P.A.

MEDICAL RECORDS HISTORY

PATIENT: 111245 JAMES C WELCH [REDACTED]

PRINTED 13:58:18 02 OCT 2003

PAGE 1

09302003 Current Visit Dr 10 Recorded: 10012003 by 28 MWS.AR EAW
HISTORY OF PRESENT ILLNESS: He has an injury to his right elbow. He is a police officer in Montgomery who injured his right elbow earlier today. He was trying to stop a suspect in a stolen vehicle and he had the person and they took off and they dragged him some. He landed on his right arm and elbow. He had pain and was seen in the emergency room this morning at Jackson Hospital for x-rays. They told him he might have a fracture but they were not sure. He is here for evaluation. No other major injuries reported to me right now. His medical doctor is Dr. Eric Graves. He is referred by Dr. [REDACTED] from the emergency room.

ALLERGIES: None.

MEDICATIONS: None.

PAST SURGICAL HISTORY: [REDACTED]

FAMILY HISTORY: [REDACTED]

PAST MEDICAL HISTORY: Negative.

PHYSICAL EXAM: Right elbow: He has abrasions over the right lateral part of his elbow. No open wounds that would be penetrating the skin. He is neurovascularly intact distally. He has a 2+ radial pulse. Intact anterior interosseous, posterior interosseous, median, and ulnar nerve function at the hand. He is very tender at his radial head. He can flex it to about 100 but it is painful. He can extend it to 45 but it is painful. He can pronate 80 and supinate 80 but those are all painful. It is most painful at his lateral elbow.

X-RAYS: Limited views in AP, lateral, and some obliques show a nondisplaced radial head involving about one-third or less of the articular surface.

IMPRESSION: Nondisplaced radial head fracture.

PLAN: Because of his pain, I would immobilize him for about a week in a long arm posterior splint for comfort. I will see him back in a week, reexamine him, get repeat AP, lateral, and radiocapitellar views of the elbow to make sure the fracture is still well lined up, and then just get him an Ace wrap bandage and let him start moving it some. For work right now, he has to be light duty like desk job duty. He cannot use his right arm for anything other than holding a pen if that is possible. It is probably going to take 6 or 8 weeks minimum for the fracture to heal. He understands that plan.

GDW/lg 10-01-03

CC: Worker's Comp Carrier

LABAMA ORTHOPAEDIC SPECIALISTS, P.A.

MEDICAL RECORDS HISTORY

PATIENT: 111245 JAMES C WELCH [REDACTED]

PRINTED 10:25:18 09 OCT 2003

PAGE 1

10072003 Current Visit Dr 10 Recorded: 10082003 by 20 MWS.AR EAW

HISTORY OF PRESENT ILLNESS: He has the right elbow injury and

radial head fracture. He looks pretty good.

PHYSICAL EXAM: In his long arm posterior splint, he is comfortable today. He is neurovascularly intact. He goes from 0 degrees to flexing it to 125. He can pronate 80 and supinate 70 degrees to the extremes. He is neurovascularly intact. He is tender laterally at his radial head and somewhat up at his capitellum area. There is no crepitus that I can feel and no block to mechanical motion that I can appreciate.

X-RAYS: AP and lateral show a nondisplaced radial head fracture.

There is a questionable small irregularity that could be at the

end of his humerus, but I do not see any obvious capitellum

fracture.

IMPRESSION: Radial head fracture.

PLAN: I would continue to treat him nonoperatively for the radial head fracture that is nondisplaced with getting him a hinged elbow brace right now that will block his extension at about 60 degrees and let him take it off and work on range of motion frequently. He will still have to be light duty, sedentary type of work. I will see him back in a week and check one more set of x-rays, AP, lateral, and try to get an oblique view of his radiocapitellar joint when he comes back. If that looks normal then we will just increase his range of motion.

GDW/lg 10-08-03

CC: Worker_s Comp Carrier



WELCH, JAMES C.

111245

10-07-03

DR. WALCOTT

C

HISTORY OF PRESENT ILLNESS: He has the right elbow injury and radial head fracture. He looks pretty good.

PHYSICAL EXAM: In his long arm posterior splint, he is comfortable today. He is neurovascularly intact. He goes from 70 degrees to flexing it to 125. He can pronate 80 and supinate 80, but it is painful at extremes. He is neurovascularly intact. He is tender laterally at his radial head and somewhat up at his capitellum area. There is no crepitus that I can feel and no block to mechanical motion that I can appreciate.

X-RAYS: AP and lateral show a nondisplaced radial head fracture. There is a questionable small irregularity that could be at the end of his humerus, but I do not see any obvious capitellum fracture.

IMPRESSION: Radial head fracture.

PLAN: I would continue to treat him nonoperatively for the radial head fracture that is nondisplaced with getting him a hinged elbow brace right now that will block his extension at about 60 degrees and let him take it off and work on range of motion frequently. He will still have to be light duty, sedentary type of work. I will see him back in a week and check one more set of x-rays, AP, lateral, and try to get an oblique view of his radiocapitellar joint when he comes back. If that looks normal then we will just increase his range of motion.

GDW/lg 10-08-03

CC: Worker's Comp Carrier

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